

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

THE HANSARD

Thursday, 8th July 2021

The House met at 2.30 p.m.

[The Speaker (Hon. Justin Muturi) in the Chair]

PRAYERS

PAPERS LAID

Hon. Speaker: Let us have the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Auditor-General on Financial Statements of the National Social Security Fund (NSSF) for the year ended 30th June 2019 and the certificate therein.

Thank you.

Hon. Speaker: The Chairperson, Select Committee on Implementation, Hon. ole Kenta.

Hon. Richard ole Kenta (Narok North, ODM): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Fourth Report of the Select Committee on Implementation and submissions of stakeholders regarding the implementation status of enquiries on petitions and solutions passed by the House.

Thank you.

Hon. Speaker: Very well. The Vice-Chairperson, Select Committee on Parliamentary Broadcasting and Library.

Hon. (Ms.) Jerusha Momanyi (Nyamira CWR, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Select Committee on Parliamentary Broadcasting and Library on its consideration of the advances made by the Parliamentary Service Commission in the setting up of the virtual meeting platforms for Committees and Plenary.

Thank you.

Hon. Speaker: Very well.

The Chairperson, Constitutional Implementation Oversight Committee. The Chairperson is Hon. Jeremiah Kioni. Is that not so? Who is the Vice-Chairperson? We shall skip that one.

Let us have the Chairperson, Select Committee on Regional Integration. Are these Chairpersons in the House or they do not know what time the House starts? We drop these two businesses.

(Hon. Peter Kaluma spoke off-record)

Hon. Kaluma, are you the Vice-Chairperson of the Constitutional Implementation Oversight Committee?

Hon. Peter Kaluma (Homa Bay Town, ODM): Yes, Hon. Speaker.

Hon. Speaker: You forgot the House was starting at 2.30 p.m.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Speaker, for your indulgence. I beg to lay the following Paper on the Table of the House:

Report of the Constitutional Implementation Oversight Committee on its consideration of a Petition regarding establishment of a retirement benefit package for the Auditor-General.

Thank you.

Hon. Speaker: Very well. I was wondering if I should skip that. I saw the recommendations and they were quite good. It is a Report on a Petition.

Before we skip, is the Chairperson, Select Committee on Regional Integration in the House? Who is the Chairperson of that Committee?

(Hon. Ali Wario walked into the Chamber)

I can see him walking there. He does not appear like he is aware. In fact, he is standing there. You can see Hon. Ali Wario is there. Hon. Wario, were you aware that you are tabling any report? The way I saw you walking in casually did not appear like you were aware of this.

Hon. Ali Wario (Bura, JP): Samahani, Mhe. Spika. Nimekuja kucheleva. Nimepewa habari kuhusu hiyo ripoti lakini kwa sasa haijanifikia mkononi.

Mhe. Spika: Lakini ni ripoti ya Kamati yako. Sivyoy?

Hon. Ali Wario (Bura, JP): Ndivyo.

Mhe. Spika: Sasa, kwa vile hujaipata, si itangojea mpaka wakati tutarudi.

Hon. Ali Wario (Bura, JP): Naweza kuulizia. Nikiipata nitaiwasilisha leo jioni.

Mhe. Spika: Leo Alhamisi, kikao hiki kinaisha saa moja. Kwa hivyo, labda nikupe nafasi kama kwa saa moja. Sivyoy?

Hon. Ali Wario (Bura, JP): Ni sawa, Mhe. Spika.

Mhe. Spika: Basi. Karibu.

Hon. Ali Wario (Bura, JP): Asante.

Hon. Speaker: Next Order.

NOTICES OF MOTIONS

ADOPTION OF REPORT ON IMPLEMENTATION STATUS OF PETITIONS AND RESOLUTIONS

Hon. Richard ole Kenta (Narok North, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the fourth Report of the Committee on Implementation on the submissions from stakeholders regarding implementation status of enquiries on petitions and resolutions passed by the House, and laid on the Table of the House today, Thursday, 8th July 2021.

Hon. Speaker: Very well. The Vice-Chair of the Committee on Parliamentary Broadcasting and Library, the Hon. Jerusha Mongina.

ADOPTION OF REPORT ON SETTING UP VIRTUAL MEETING PLATFORMS

Hon. (Ms.) Jerusha Momanyi (Nyamira CWR, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on Parliamentary Broadcasting and Library on its consideration of the advances made by the Parliamentary Service Commission (PSC) in the setting up of the virtual meeting platforms for committees and the plenary, laid on the Table of the House on Thursday, 8th July 2021.

Hon. Speaker: Well. The other notice was to be given by Hon. Ali Wario. Since he has not tabled the report, I have given a latitude of one hour. Proceed with the next Order.

I believe there are too many Questions because today is the last day. They are about 15. So, we will move very fast, Hon. Members, so that we can do business. Again, Hon. Members, in your own resolution, remember today is reserved for Private Members' business. So, we need to clear with all the procedural issues as quickly as possible, so that we can deal with Private Members' Bills.

The first Question will be by the Member for Bomet Central, Hon. Tonui.

ORDINARY QUESTIONS

Question No.214/2021

DETAILS OF THE CHANGES TO CIVIL SERVANTS' PENSION SCHEME

Hon. Ronald Tonui (Bomet Central, JP): Thank you, Hon. Speaker. I rise to ask Question No. 214/2021 which is directed to the Cabinet Secretary for the National Treasury and Planning:

- (i) With regard to the recent changes to civil servants' pension scheme, could the Cabinet Secretary clarify whether teachers and civil servants are entitled to retirement benefits accruing from the date of employment to the time they join the superannuation (contributory) pension scheme?
- (ii) How will benefits be calculated and the entitlement arrived at, and which government agency will be in charge of management and payment of the benefits?
- (iii) Could the Cabinet Secretary confirm that all the employees in the Public Service and the Teachers Service Commission have been notified in writing on change of terms of employment including expected benefits once they attain the age of 50 with regard to the superannuation scheme?

Thank you, Hon. Speaker. I also hope that I will get a response very soon on the other Question which I asked three weeks ago. It was directed to the Departmental Committee on Education and Research. I am yet to get the Response.

Hon. Speaker: That will be replied to before the Departmental Committee on Finance and National Planning. The next Question is by the Member for Kabondo Kasipul, Hon. Eve Obara.

Question No.242/2021

REHABILITATION OF CHABERA-SIKRI STRETCH OF KISUMU-KISII ROAD

Hon. (Ms.) Eve Obara (Kabondo Kasipul, ODM): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order No. 42A(5), I wish to ask Question No.242/2021, to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) What plans has the Ministry put in place to ensure that the Chabera-Sikri stretch of the Kisumu-Kisii Road is well marked and access culverts installed including stone pitching to enable residents of Kabondo East, Kabondo West, Kojwach and Kakelo Kokwanyo wards access key institutions, particularly Othoro Police Station; the new constituency office junction at Kadongo; Kadongo Post Office; Othoro Level 4 Hospital, and Kamalak and Mikai Dispensary Junction; Wang'apala High School, Bishop Linus Okoth Girls, Nyamwaga, Lwanda, Otondo, Gangre, Dudi Secondary schools; Ayiengo, Oriri, Nyaluru, Njura Primary Schools Mapera Farm; Omuga Technical Training Institute; Marani, Nyapalo Central, Ayiego and Oriang SDAs churches; Oriang Catholic Mission, Legio Maria Centre, Christian Pentecostal Churches and Nyapalo and Ringa Markets?
- (ii) Could the Cabinet Secretary explain why the contractor is unable to deliver on his commitment under Corporate Social Responsibility with respect to the project, particularly tarmacking feeder roads to schools, creation of access roads, levelling of school playgrounds, rebuilding *boda boda* shades and planting trees along the highway?
- (iii) When will the contractor undertake repairs on damaged part of the existing roads and also rehabilitate excavated grounds left open after construction in the said areas?

Hon. Speaker: That will be replied to before the Departmental Committee on Transport, Public Works and Housing. The next Question is by the Member for Rangwe, Hon. Lillian Gogo.

Question No.243/2021

IMPRISONMENT OF JOSEPH MBOYA NYAMUTHE IN BURUNDI

Hon. (Dr.) Lilian Gogo (Rangwe, ODM): Thank you, Hon. Speaker. I rise to ask Question No.243/2021. This follows what was indicated in a section of the Press concerning one Mr. Joseph Mboya Nyamuthe. This Question is directed to the Cabinet Secretary for Foreign Affairs:

- (i) Could the Cabinet Secretary explain circumstances under which Mr. Joseph Mboya Nyamuthe of ID No.102259323, a resident of DC Village, Komolo Sub-Location, Komolo Location in Rangwe Sub-County, is being held incommunicado while in imprisonment in the Republic of Burundi, and charges preferred against him, if any?
- (ii) What steps has the Ministry taken to secure the release of Mr. Joseph Mboya Nyamuthe, and/or enable his family gain access to him or allow his legal representatives to reach him?

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- (iii) Could the Cabinet Secretary clarify whether there may be any other residents of Rangwe Constituency who work at his company who are being held alongside him and what action, if any, is the Ministry taking to secure their release?

Hon. Speaker: Question to be replied before the Departmental Committee on Defence and Foreign Relations. Next Question is by the Member for Tiaty, Hon. Kamket.

Question No.244/2021

REMOVAL OF POLICE ROADBLOCKS IN TIATY

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, I beg to ask the following Question:

- (i) Could the Cabinet Secretary for Interior and Coordination of National Government consider removal of police roadblocks at Moinonin, Loruk and Chemolingot along Marigat–Chemolingot Road which have led to impoverishment and starvation of residents of Tiaty Constituency by denying them access to food and basic commodity supplies as well as medical assistance?
- (ii) Could the Cabinet Secretary explain plans put in place by the Ministry to reduce insecurity and further improve the relationship between law enforcers, administrative officers and residents of Tiaty Constituency?

Hon. Speaker: Question to be replied to before the Departmental Committee on Administration and National Security. Next Question is by the Member for Chuka/Igambang’ombe, Hon. Patrick Munene.

Question No.245/2021

CRITERIAL FOR DETERMINING FEES CHARGEABLE IN DAY SECONDARY SCHOOLS

Hon. Patrick Ntwiga (Chuka/Igambang’ombe, JP): Thank you, Hon. Speaker. I rise to ask Question 245 of 2021:

- (i) Could the Cabinet Secretary for Education explain the criteria used in determining fees chargeable by day secondary schools across the country and why certain schools charge higher fees against the Ministry’s set guidelines?
- (ii) What steps is the Ministry taking to ensure that all day secondary schools across the country adhere to the Ministry’s set guidelines on fees?
- (iii) What measures is the Ministry putting in place to ensure that day school learning remains affordable considering the Ministry policy on 100 per cent transition from primary to secondary school?

Thank you, Hon. Speaker.

Hon. Speaker: Question to be replied to before the Departmental Committee on Education and Research. Next Question is by the Member for Galole, Hon. Hiribae.

Question No.246/2021

STATUS OF CONSTRUCTION OF ROADS IN TANA RIVER

Hon. Said Hiribae (Galole, FORD-K): Thank you, Hon. Speaker. I rise to ask Question No.246 of 2021 directed to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) Could the Cabinet Secretary explain the progress made in disbursing an allocation of Kshs7.4 million from the Road Maintenance Levy Fund (RMLF) meant for the development of roads in Tana River County?
- (ii) Could the Cabinet Secretary undertake to ensure that the said allocation is disbursed and when is it expected to be provided to the AIE holders for utilisation?
- (iii) Could the Cabinet Secretary provide an update on the progress made to upgrade the Laza–Rhoka–Kipini–Gatundu and Bangale–Boka roads in Tana River County to bitumen standards and when the construction is expected to be completed?
- (iv) What is the status of the construction of the Boji–Masalani Road in Galole Constituency and how was the Kshs100 million meant for rehabilitation of this road utilised, stating the amount paid and to whom?

Thank you, Hon. Speaker.

Hon. Speaker: Question to be replied to before the Departmental Committee on Transport, Public Works and Housing. The next Question is by the Member for Ol Jorok, Hon. Muchira.

Question No.247/2021

STATUS OF LAST MILE CONNECTIVITY PROGRAMME IN OL JOROK

Hon. Michael Muchira (Ol Jorok, JP): Thank you, Hon. Speaker. I rise to ask Question No.247 of 2021 to the Cabinet Secretary for Energy:

- (i) What is the status of implementation of the Last Mile Connectivity Programme projects in Ol Jorok Constituency being undertaken under the Impact Evaluation of the Last Mile Connectivity Project (LMCP, Phase I) of the African Development Bank (ADB) Group?
- (ii) Why have the said projects taken too long to be completed and what steps is the Ministry taking to ensure they are completed and by when?

Thank you, Hon. Speaker.

Hon. Speaker: Question to be replied to before the Departmental Committee on Energy. Next Question is by the Member for Baringo Central, Hon. Kandie.

Question No.248/2021

EXEMPTION OF SCHOOLS FROM KNEC EXAMINATION CENTRE REQUIREMENTS

Hon. Joshua Kandie (Baringo Central, MCCP): Thank you, Hon. Speaker. I rise to ask Question No.248 of 2021 directed to the Cabinet Secretary for Education:

What measures is the Cabinet Secretary taking to exempt schools in arid and semi-arid areas across the country from the implementation of the Kenya National Examination Council circulars dated 11th and 28th June 2021 requiring schools with less than 40 candidates to be hosted by an examination centre with more than 40 candidates during the Kenya Certificate of

Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE) examinations, noting that the said areas are sparsely populated and the distances students have to cover between schools are far thus rendering this option untenable?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Kandie, you are suddenly very agitated about this. It will be replied to before the Departmental Committee on Education and Research. Next Question is by the Member for Kajiado East, Hon. Tobiko Peris.

Question No.249/2021

STEPS TAKEN TO STOP LIVESTOCK THEFT IN KAJIADO EAST

Hon. (Ms.) Peris Tobiko (Kajiado East, JP): Thank you, Hon. Speaker. I seek answers from the Cabinet Secretary for Interior and Coordination of National Government:

- (i) Could the Cabinet Secretary explain the progress made and any steps being taken to bring an end to the rampant theft of livestock in Kajiado East Constituency?
- (ii) What interventions have the security agencies deployed to arrest those behind such thefts and discontinue the commercial networks behind the illegal livestock business?
- (iii) Could the Ministry consider compensating the affected families for the losses of their livestock?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Administration and National Security. The next Question is by the Member for Sigowet/Soin, Hon. Kipsengeret Koros. Is it that you do not have a card? Where is your card, so I can give you the microphone?

Question No.251/2021

COST OF CONSTRUCTING NAIROBI EXPRESSWAY

Hon. Kipsengeret Koros (Sigowet/Soin, Independent): Thank you, Hon. Speaker. I misplaced my card. I rise to ask Question No.251 of 2021 directed to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) Could the Cabinet Secretary provide details on the cost of constructing the Nairobi Expressway, which starts from Jomo Kenyatta International Airport (JKIA) to Westlands area of Nairobi City County?
- (ii) Could the Cabinet Secretary explain the reasons which led to varying of the initial budget of the project from Kshs23 billion to the current Kshs63 billion?
- (iii) When is the project expected to be complete and at what extra cost to the users with regard to levy and/or maintenance charges in its actual utilisation?

Thank you, Hon. Speaker.

Hon. Speaker: That Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. The next Question, being No.254, is by the Member for Matuga, Hon. Kassim Tandaza Sawa, who has written to request that the Question be deferred. His request has been acceded to. Therefore, the Question is deferred.

Question No.254/2021

ISSUANCE OF TEMPORARY CLEARANCE CERTIFICATES TO FRESH GRADUATES

(Question deferred)

The next Question is by Hon. David Ochieng'. Kindly, have the Floor.

Question No.255/2021

PUBLIC ENTITIES PRIVATIZED SINCE ESTABLISHMENT OF PRIVATIZATION COMMISSION

Hon. David Ochieng' (Ugenya, MDG): Hon. Speaker, I wish to seek the following replies from the Cabinet Secretary for the National Treasury and Planning:

- (i) Could the Cabinet Secretary state the number of public entities that have been privatised since the establishment of the Privatisation Commission?
- (ii) Why did the Government bypass the Commission in its privatisation of the National Bank of Kenya and in the ongoing efforts at State-owned sugar factories?
- (iii) When does the Cabinet Secretary intend to fill the existing vacancies in the membership of the Privatisation Commission?
- (iv) What steps does the Cabinet Secretary intend to take to ensure the Commission is able to carry out its mandate including through provision of the necessary resources?

Hon. Speaker: That Question will be replied to before the Departmental Committee on Finance and National Planning.

The last Question is by the Member for Marakwet West, Hon. Kisang. Kindly, have the Floor.

Question No.256/2021

DISBURSEMENT OF FUNDS TO CHEBARA INSTITUTIONS PROJECTS

Hon. William Kisang (Marakwet West, JP): Hon. Speaker, I arise to ask Question No. 256/2021 to the Cabinet Secretary for Water, Sanitation and Irrigation:

- (i) What steps has the Ministry taken to ensure that Kshs77.5 million disbursed to Lake Victoria North Water Services Board meant for Chebara institutions projects in Marakwet West Constituency in the Financial Year 2015/2016 are released to the said institutions to complete ongoing works that have stalled since 2015?
- (ii) When will the balance of the initial allocation that amounts to Kshs82.5 million be released to the said institutions?
- (iii) Could the Cabinet Secretary consider undertaking a visit to Chebara institutions projects to ascertain the current status and the progress of the projects and whether more funding is required in order to complete the ongoing projects?

Hon. Speaker: That Question will be replied to before the Departmental Committee on Environment and Natural Resources.

That ends that segment of Order No.7. We now move to the second part. The first request is by the Member for Mvita, Hon. Abdullswamad Nassir. Kindly, have the Floor.

REQUESTS FOR STATEMENTS

UHUDUMU WA MABASI WAKATI WA JANGA LA COVID-19

Hon. Abdullswamad Nassir (Mvita, ODM): Asante sana Bwana Spika.

Kupitia kwa Kanuni za Kudumu 44(2)(c), ninaomba jawabu kutoka kwenye Mwenyekiti wa Kamati ya Afya kuhusu mambo ya waendeshaji wa mabasi ya abiria wakati huu wa janga la COVID-19 katika nchi yetu.

Twakubali na hatupingi kuwa reli na usafiri wa anga unabeba wateja wasafiri zikiwa zimejaa wakati huu wa janga la COVID-19. Lakini, gari za abiria, zinazofika zaidi ya elfu moja, mia mbili na sitini kupitia kampuni arobaini na mbili, zinabeba zikiwa na nusu abiria na wamekatazwa usafiri wa usiku.

Kampuni kadhaa zimefungwa, watu hawajalipwa mishahara, wengine wamefutwa kazi, na hali yazidi kuwa ngumu kwao. Washika dao wakiwemo NTSA na wenye kampuni wenyewe hawakuhusishwa katika mpango wa Wizara ya Afya. La kueleweka ni kuwa, mwelekeo ama kanuni zilizowekwa sahihi na Waziri wa Uchukuzi, Barabara, Ujenzi wa Miradi ya Umma, ujenzi na ukarabati wa barabara, reli na majengo, viwanja vya ndege, bandari na makazi, Februari 2021 hadi leo hazijatekelezwa. Kupitia haya, ningeomba jawabu kutoka kwa Mwenyekiti wa Kamati ya Afya:

- i. Ni kipi kilichosababisha reli na anga kukubaliwa kubeba wateja ikiwa imejaa ilhali, mabasi yanabeba yakiwa nusu?
- ii. Wizara itafakari na kuweza kurejelea mipangilio, hamu ama uwezo wa sheria hizi zinazowaumiza Wakenya hususan wakati huu ambao ni mgumu.
- iii. Usafiri wa usiku ukubaliwe kama vile usafiri wa reli na anga umeweza kukubaliwa na unaendelea kwa zaidi ya mwaka mmoja.
- iv. Ni kwa nini kanuni zilizowekwa sahihi na Waziri wa Usafiri Februari 2021 hadi leo hazijaweza kufuatiliwa wala kutekelezwa?

Hon. Speaker: Chairperson or the Vice-Chairperson, Departmental Committee on Health? These days, I think the Chairperson of the Departmental Committee on Health is a very rare person to be seen here.

(Loud consultations)

What do you mean? Which crowd? Anyway, the request will be channeled through the Leader of the Majority Party. I understand they are supposed to be here. However, even the Vice-Chairpersons are in the same bandwagon.

The next request is by the Member for Chepalungu, Hon. Koske Gideon.

CLASSIFICATION OF BOMET COUNTY AS A COVID-19 HOTSPOT ZONE

Hon. Gideon Koske (Chepalungu, CCM): Hon. Speaker, pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee

on Health regarding classification of Bomet County as a COVID-19 hotspot zone despite registering the lowest number of COVID-19 cases in the country.

Hon. Speaker, on 17th June, the Government of Kenya announced further restrictions in response to the worsening of the COVID-19 Pandemic that necessitated 13 counties to be declared hotspot zones among them Busia, Vihiga, Kisii, Nyamira, Kakamega, Trans Nzoia, Bungoma, Kericho, Bomet, Siaya, Kisumu, Homa Bay and Migori.

In order to curb or break the cycle of infections in these areas, the Ministry of Health as well as other authorities have set up the following measures: Suspension of public and religious gatherings until further notice, curfew from 7.00 p.m. to 4.00 a.m., movement between the hotspot zones and the rest of the country is strongly discouraged except for essential and emergency services, non-food and livestock markets suspended for 30 days, employers advised to allow employees to work from home, hospitals to restrict visitors to one individual per patient, funerals must be held within 72 hours after the confirmation of death, and not more than 50 people to attend funerals and weddings.

Hon. Speaker, since 17th June 2021, Bomet County has registered the lowest number of cases compared to the rest of the counties under restrictions. In this case, declaring Bomet County a hot spot zone has affected the socio-economic and livelihoods of the people. Moreover, Chebunyo and Mulot Sunset markets which are the largest in the entire region have been moved to Narok County because it is not among the hot spot zones. As a result, Bomet County Government is losing revenue.

Hon. Speaker, it is against this background that I seek a Statement from the Chairperson, Departmental Committee on Health on the following:

1. Could the Chairperson explain the policy or criteria used to classify Bomet County as a hotspot zone when, indeed, it has registered the lowest number of COVID-19 cases in the country?
2. Could the Chairperson provide an assurance of when Chebunyo and Mulot Sunset markets will be moved back to Bomet County and when the restrictions are expected to be lifted in Bomet County?
3. Could the Chairperson - since we know the relevant pandemic in Bomet is cancer - give us the statistics of daily mortalities in Bomet County as a result of cancer and the number of those hospitalised in order to know which between cancer and Coronavirus is the real pandemic in Bomet County?
4. Could the Chairperson explain measures put in place to stem the plight of cancer in the county and further explain why the county has more cases of cancer than any other place in the Republic of Kenya?

Hon. Speaker, cancer has been a big problem in Bomet County. It has taken away lives of many including leaders in Bomet County. It is very important that the Cabinet Secretary for Health gives us a direction in Bomet, in terms of what causes cancer, and the measures that have been put in place to remove cancer in the midst of the people of Bomet. A healthy nation is a wealthy nation.

Thank you, Hon. Speaker.

Hon. Speaker: Well, I do not need to belabor the point. The Chair and the Vice-Chair of the Committee on Health are not in the House. So, that request will be channeled through the Office of the Leader of Majority Party for an appropriate response soon as the House is back from the short recess.

The next request is by the Member for Marakwet East, Hon. Kangogo Bowen.

BANDITRY ATTACKS AND KILLINGS IN MARAKWET EAST

Hon. Kangogo Bowen (Marakwet East, JP): Thank you Hon. Speaker. I request for a Statement regarding the resurgence of banditry attacks and killings in Marakwet East Constituency.

Hon. Speaker, pursuant to Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson, Departmental Committee on Administration and National Security, regarding resurgence of banditry attacks and killings in Marakwet East Constituency.

Incidents of insecurity in Marakwet East Constituency have escalated and reached alarming levels. The residents of Marakwet East Constituency can no longer participate in meaningful economic activities due to fear of constant banditry attacks. The attacks have resulted in loss of lives, livestock, and destruction of property. In the last one month of June 2021, several incidences have been reported to authorities, but the Government has taken no action. The incidences include the following among others:

- a) On 21st June 2021, 39 goats belonging to Hezron Cherepaita, Tulyo and Mutang, residents of Koibirir Location, and further 182 cows in Mokoro and Kibiriem locations were raided following a banditry attack.
- b) On 21st and 24th of June 2021, a raid took place at Endo Location where two persons were killed, namely, Mr. Benjamin Lokorem and Master Desmond Kiptoo, a Class Six boy, and cows and goats belonging to the residents taken away.
- c) On 28th June, 2021, another attack took place in Kaben Location and 14 cows belonging to Mzee Tubel were taken away.
- d) On 29th June 2021, bandits shot at three people who escaped unhurt on their way to Tot from Kapkobil Area.
- e) On 3rd July 2021, a raid took place again at an area called Sangach in Endo Location, where 100 goats belonging to the locals were stolen.

Hon. Speaker, the continued laxity by the security agencies in Marakwet East Constituency and its neighbouring constituencies has seen loss of many lives and livestock, which is a source of livelihood for the residents. It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the following-

- a) Could the Chairperson explain the measures the Government is taking to address the resurgence of raids and banditry in Marakwet East Constituency?
- b) What efforts are in place to arrest the perpetrators of the attacks and recover the stolen livestock?

Hon. Speaker: The Chairperson, Departmental Committee on Administration and National Security. Hon. Vice-Chair. They being absent, the Statement will be channeled through the Office of the Leader of Majority. Next request is by the Member for Baringo South, Hon. Kamuren.

INSECURITY IN BARINGO SOUTH CONSTITUENCY

Hon. Charles Kamuren (Baringo South, JP): Thank you, Hon. Speaker. I rise to seek a Statement on the perennial insecurity in Baringo South Constituency.

Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and

National Security, regarding the matter of perennial insecurity in Marigat Sub-County in Baringo South Constituency.

The matter of the perennial insecurity in Baringo South has continued affecting negatively the lives of the residents in the region leading to residents fleeing their homes, closure of schools, which result in school dropouts, and loss of lives and livelihoods among the residents.

Various measures have been attempted by successive Governments to resolve the issue, but with no long-term solution ever realised. While I applaud the Government's efforts to restore sanity in the region, it is time for the adoption of new strategies in this matter. The presence of several contingents of police personnel in the area has not improved the situation, as in most recent cases, security forces have lost two of their commanders in the hands of bandits resulting in continued flight of residents from the area.

It is against this background that I, therefore, request you to invoke the provisions of Standing Order 218 to order the following:

- (i) That the Departmental Committee on Administration and National Security conducts an inquiry into these security matters with a view to proposing long lasting solutions.
- (ii) That the Committee implores upon the Cabinet Secretary in the Ministry of Defence to consider deploying the Kenya Defence Forces to the affected area for purposes of restoring peace, pursuant to the provisions of Article 241(3)(c) of the Constitution and Section 8(1) of the Kenya Defence Forces Act, 2012.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Kamuren, you are now seeking the Speaker to direct an inquiry be conducted with regard to the matter that you have raised. What are the exceptional circumstances that would warrant that?

Hon. Charles Kamuren (Baringo South, JP): Thank you, Hon. Speaker. The reason why I am seeking for an inquiry is that it is now 19 years since the same insecurity and attacks have been taking place. People have lost their lives and nine schools were closed. As I speak, four schools have been permanently closed and even deregistered as a result of this. Therefore, it has taken 19 years and it started way back.

The ones who were occupying the three locations are residents from another constituency, which is Tiaty. These are Mukutani, Arabal and Rukus locations. That is why I am wondering why the Member of Parliament is raising a Question about roadblocks, while bandits are coming from his region, driving away a population of around 29,000, people who are now not living in their homes.

Children have abandoned national schools and people have left their farms which are now bushy. That is why I am requesting for the inquiry, so that they can get to the bottom of the cause of this disturbances. I know of several students in national schools such as Mangu High School, Maseno School and Starehe Boys Centre who had to leave those schools and go to study in day schools because their parents lost animals, houses and property, and were unable to pay school fees.

Hon. Speaker, these 19 year olds are now mothers and the culture that is there needs to be investigated. If the Government cannot come up with a programme to save the situation, I can assure you we are building and developing a people who are going to live a life of defending their lives. That is why I am seeking you, Hon. Speaker, to sanction an inquiry, so that we can have a lasting solution and the Government has the solutions. That way, they will assist my people go back to their land.

Hon. Speaker: Very well, I notice that the Committee that is mandated to deal with that... We cannot direct this to any other Committee except the Departmental Committee on Administration and National Security.

Listening to you, you justify the requirement of Standing Order No.218 for exceptional circumstances. I, therefore, direct that the Departmental Committee on Administration and National Security conducts and inquiry into the various allegations that you have made with a view to bringing to the House a report, which if adopted, will give a way forward to the national Executive. The Committee is also encouraged to ensure that they hold extensive consultations with both the citizens and all other Government agencies as they may deem appropriate or relevant to help them in arriving at some possible solution.

Hon. Owen Baya (Kilifi North, ODM): *(Inaudible)*

Hon. Speaker: There is no requirement for... It is not your statement.

Hon. Owen Baya (Kilifi North, ODM): The one I issued last week and we are not through yet.

Hon. Speaker: Next request is by Hon. Ali Rasso, Member for Saku.

MILITIA ATTACKS AND KILLINGS IN SAKU, MOYALE AND ISIOLO

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Speaker. Pursuant to Standing Order 44(2)(c), I rise to seek for a Statement from the Chairperson of the Departmental Committee on Administration and National Security on incessant militia attacks and killings in Saku, Moyale and Isiolo.

Hon Speaker, in September, 2018, there was a fight between the members of Boran and Gabra communities at Horondeer in Qilta Location of Marsabit Central Sub-County, where three persons were killed. During the attack, for the first time, organised militias were used and armed with heavy machine guns that were able to overpower the police forces. This conflict has been running for almost two years and is escalating, and even more disturbing because these attacks and livestock rustling are taking place in Saku, Sololo in Moyale and Isiolo counties. These attacks with massed militias in their hundreds are becoming more lethal, well-coordinated, synchronised and with elaborate logistics including vehicles and medical support.

Hon Speaker, the level of violence being experienced in the areas of Saku, targeting a particular community to extinction, is unprecedented and the main motivation appears to be land and politics. Furthermore, the audacity, brutality and precision with which these vicious attacks are being carried out seems to indicate that these militias are a well-oiled machine that could be acting with support from within the Government.

In February, 2019, the Kenya Police Reservists in Marsabit and Isiolo counties had their arms withdrawn, yet no adequate security was put in place to address the gap left to date. This has left all our communities exposed to militants and armed bandits and the police forces in the areas are over-stretched. This lackluster approach to providing our people with security and protection of lives and properties has resulted into many orphans, impoverishment and displacement of families, closure of schools and has left many people in need of shelter and food.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee of on Administration and National Security on the following:

Who are these powerful individuals cited to be involved in mobilising, funding and sustaining these militia attacks and what efforts are being made to bring them to justice?

What measures is the Government undertaking to eliminate the militias and restore security in Saku Constituency, Moyale and Isiolo and how many of these perpetrators have been arrested and successfully prosecuted since 2018?

What efforts are being made to recover the stolen livestock which was raided in the full glare of the security forces and what efforts have been made to compensate and support families for loss of their livelihoods?

Hon. Speaker, as I am making this Statement, there is fighting going on in my constituency. We have already lost two people and the situation appears not to be improving. This matter is grave. It is like the security system has collapsed. We need urgent support and protection of the people in my constituency, Moyale and Isiolo with the urgency that is required.

Hon. Speaker: The Member for Moyale also wants to say something? Is that true, Hon. Wario?

Hon. Qalicha Wario (Moyale, JP): Thank you, Hon. Speaker. What Hon. Rasso has just requested is worth it. I have been saying this severally since February. As you know, the two schools in my constituency are still closed.

We are saying that there is a fully funded organised militia that either goes to Moyale and attacks the Borana or rushes to Saku and attacks the Borana there. Unfortunately, today, on the road going to North Horr, I was told two teachers, people who were living in their own country, when they went to North Horr to teach young children, they were killed and two others were tortured. That clearly shows that things are getting out of hand. There is a scheme to create tension in Marsabit Town and the areas of Moyale around Sololo that cover North Horr Constituency. It is as if there is a creation of a country within Kenya - people who are not under any Government and people who move anyhow and attack innocent Kenyans.

Hon. Speaker, I remember a case where around 2,000 livestock were driven away. The Kenya Defence Forces (KDF) and the regular police helicopters were deployed and instructions were given from Nairobi for action to be taken. This is not supposed to be happening in Kenya. Every Kenyan has a right to security. There is pure negligence from the Government in areas that have the invasion. Actually, most innocent people and the rich people who live in Moyale and Saku have moved to Isiolo, Meru and even Nairobi for their security. This is not tenable. We need the Government to investigate and tell us who this person is, who is untouchable and who can fund militia, who are under his instructions to move round and kill innocent Kenyans.

I thank you.

Hon. Speaker: Hon. Rehema Jaldesa, if you make your comments, limit them to two minutes, please.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Thank you, Hon. Speaker, I will limit them to two minutes. Thank you for giving me the opportunity.

As has been said by Hon. Ali Rasso, Isiolo-Marsabit clashes lately have a pattern. They are interconnected and they happen simultaneously. When Marsabit and Moyale people are hit, Isiolo people are also hit. We have reason to believe that these are not the normal pastoralist clashes. These are politically instigated. It has a blessing of a very senior person in the Government who is biased. I am told to name him. I can name him and it is one, Cabinet Secretary, Ukur Yatani, who is using Government resources to displace the Borana Community from this country. We are Kenyans. We have nowhere else to go. Therefore, I wish you direct the CS to appear before the Committee and explain his role in the clashes.

I thank you.

Hon. Speaker: Hon. Hassan Hulufu.

Hon. Hassan Hulufu (Isiolo North, KPP): Thank you, Hon. Speaker. Let me also add my voice to this. As we speak, many parts of my constituency have suffered attacks which are very different from what we are used to. We are used to normal cattle rustling between us and our neighbours, but in the recent past, we have experienced a situation where when attacks happen in Moyale and Marsabit, they happen simultaneously with attacks in my constituency. For the first time, we have seen bandits who are well armed, who seem to operate with a lot of impunity, and have no respect for the law enforcement officers. These are bandits who have guts to fire at Rapid Deployment Unit (RDU) officers and also go out of their way to destroy water points, burning down boreholes and jet sets.

I support the request by Hon. Ali Rasso. We have to get to the bottom of this issue. It is very clear that this could only happen with express logistical support from somebody who is so high in the Government to the extent that probably even the CS in charge of the national security may not be able to rein in on him. I would like the Committee to look into this matter, so that we can have a lasting solution to the problem of insecurity in Upper Eastern.

Hon. Speaker: I will allow Hon. Peter Kaluma to weigh in because he is a ranking Member of that Committee. This matter is now becoming too much about deaths within Isiolo, almost the entire Marsabit, Saku and Moyale. Hon. Peter Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I wanted to speak on behalf of the Chairperson of the Committee, who is absent because I chair the sub-committee dealing with questions, petitions and legislations in that Committee.

The matter I was requesting to bring to the attention of the House is that this matter is not new. This question and even the issues being raised are not new. The records of the House will confirm that there is a previous Petition brought on the very matter and on the very issues by Hon. Ali Rasso himself. That Petition has been considered by the Committee and let me thank you, Hon. Speaker, on behalf of Parliament, because you even facilitated the Committee to visit Marsabit. Hon. Rasso will confirm that we sat with him among other leaders and the various members of the communities living in Marsabit across the constituencies being mentioned from Moyale, Fafi, even the Rendille section, Laisamis, with the facilitation of Parliament taking all that risk.

Hon. Speaker, my concern is that Hon. Rasso and the Members know that this matter had been raised. The Committee has even retreated and done a report. With your indulgence, I had hoped that we will lay the report covering all those matters and our preferred solution to them, again, raised in this matter. I wanted to request that as leaders, we do not address issues concerning security in a manner that may escalate them and engender tension among the people. When we speak, the people in Marsabit are watching. This is a matter which is not just inter-ethnic in terms of the elements that we already have in the report, but it also has political dimensions. You hear the names being mentioned. Let us use the platform of the House to be fair when there is a matter under consideration before the House through its proper committees as per our prayer.

Let me assure the Members that this is a question we do not need to forward to the Committee again. We have already treated this matter through the previous Petition that he raised. Instead, let me commit, on behalf of the Committee, to check where the report is with all these answers being sought, and then we can table them here and the issue is sorted out.

I thank you.

Hon. Speaker: The only difference is that this time, Hon. Ali Rasso, has raised issues of more people having been killed recently. By the way, I do recall, you remember, Hon. Members,

that it is true that the Committee was facilitated to go and hold sessions out there. What Hon. Peter Kaluma is saying is actually not farfetched that it may be necessary for us to see what recommendations the Committee has proposed to try and address whatever fuels those skirmishes. He has said some of it is not ordinary cattle rustling the way it may be known by Hon. David ole Sankok. Hon. Kaluma has just admitted that some of the issues raised could actually be true. There could be some element of politics. Let me just allow Hon. Rasso to raise his point.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Speaker. I raised my Petition in June 2020. I know there was the issue of COVID-19 and many other underlying issues. In the opening Statement I said, even today, people have been killed in my constituency. As we are sitting in this gallery, people are fighting in the outskirts of Marsabit Town. Are we in Kenya or we are in another country? That is my concern. If Hon. Kaluma is really true to the facts he is raising, let something be done today. We cannot wait for something to be done in the future, that there will be security for people of Marsabit in the future. That is not acceptable.

Hon. Speaker: Hon. Members, it may be unfair for me to leave out the Member for Wajir, Hon. Adan Sheikh. Two minutes, please. Did you place an intervention?

Hon. (Ms.) Safia Sheikh (Marsabit CWR, JP): Thank you, Hon. Speaker, for giving me this opportunity. Frequent tribal conflicts in Marsabit and Isiolo counties have caused a lot of deaths and livestock has been taken away from our people. This has contributed to increased poverty rates. We have many orphans and widows due to the frequent tribal conflicts in our counties. We used to have National Police Reservists and KPR. The service of KPR has been withdrawn yet they used to take care of our people, give us security at the village and locational level. Since their services were withdrawn, these frequent tribal conflict have escalated.

So, I support the Motion.

Hon. Speaker: It is a request for a Statement. Hon. Kaluma, just take this kind request.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, as the request comes to the Committee, you need also to direct, so that this matter is seen to be treated seriously, that by the next sitting, the report of the Committee be tabled here. By the next sitting. I am being fair, because the Members raising these matters are colleagues in the House. However, we have such a conclusive report indicting even some Members in the House over the chaos said to be taking place there. Let us table the report. Send the matter to the Committee, but let us table the report by the next time the House is sitting other than today. It will resolve this issue.

Hon. Speaker: It is the secretariat to issue the report, is it not?

Hon. Peter Kaluma (Homa Bay Town, ODM): We had a slight change in the Committee secretariat. You remember the head of the secretariat moved. That is the only reason we are not tabling it today, but it will be ready in the next time the House is sitting even if it were to be tomorrow.

Hon. Speaker: Let the report be tabled but in the meantime, also the request by Hon. Rasso should be looked into and if need be, let the Cabinet Secretary appear before your Committee. I do not think it helps the situation.

(Loud consultations)

Order Members! It does not help the situation that a Statement will be brought like the one which came here last time. It is fair that the Committee sits, invites the Cabinet Secretary, Hon. Rasso and all the other Members that have issues with the current situation involving Marsabit

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and Isiolo counties. It is not every day we hear about loss of lives. It is just becoming too much. It is not right.

(Loud consultations)

No, Hon. Members! That is the direction given. Let the Committee sit with the Cabinet Secretary, invite Hon. Rasso and all those Members. Hon. Rozaa Buyu, this one only touches on Isiolo and Marsabit counties, not Kisumu County. Relax, you will get a chance to speak about something else. For the time being, the matter rests there. Those are the instructions. The Committee will invite the Cabinet Secretary.

Now, we still have something from Hon. Makali Mulu.

UPCOMING COMMITTEE MEETING OF COMMONWEALTH
PARLIAMENTARY ASSOCIATION, AFRICA REGION

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Speaker. I rise to make a Statement. This Statement relates to the Executive Committee meeting for the Commonwealth Parliamentary Association (CPA), Africa Region. This Statement is targeted at informing the House on the upcoming meeting of the Executive Committee meeting of the Commonwealth Parliamentary Association, Africa Region, scheduled to take place from 12th to 18th July 2021 at the Nairobi Serena Hotel. The five-day long event is hosted by the CPA, Kenya Branch, and will draw participants from various CPA member states across the continent. The apex body of the Executive Committee manages the affairs of the CPA, Africa Region. As Members might be aware, the Speaker of this House is the Chairperson of that Committee. The membership of the CPA is composed of Speakers, Members of Parliament and the secretariat drawn from member states, which comprises of 18 national parliaments and subnational legislations, whose governments are members of the Commonwealth.

This is, therefore, to inform the House of the upcoming event and at the same time thank your office and the Office of the Clerk of the National Assembly, for agreeing to host this important meeting. The Members are aware that since COVID-19 was declared a pandemic, those meetings have been taking place virtually, but under your leadership, Hon. Speaker, you have agreed to host this important meeting in this country and it is going to be a physical meeting. So, I just want to thank you and inform the House that under your leadership, we have experienced, tasted and have even smelled exemplary leadership. We cannot fail to say that. This has been done in Africa as a continent and also internationally.

So, Hon. Members, as you see a lot of visitors next week, be aware that the visitors are our visitors. We are going to host them and welcome them to Kenya as they conduct their business in this important meeting.

Hon. Speaker, I thank you for this opportunity. Thank you very much.

Hon. Speaker: Hon. Members, I had indicated that I have a short Communication to make before we move on to the next segment by the Leader of the Majority Party.

COMMUNICATION FROM THE CHAIR

APPOINTMENT OF HON. VINCENT KEMOSI MOGAKA AS
VICE-CHAIR OF POWERS AND PRIVILEGES COMMITTEE

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As you may be aware, the National Assembly Committee on Powers and Privileges is constituted under Section 15 of the Parliamentary Powers and Privileges Act of 2017. In establishing the Committee, the Act designates the Speaker as the Chairperson, but does not provide for the position of a vice-chairperson to deputise the Speaker or the manner of causing a Member to take charge of the affairs of the Committee in the absence of the Speaker, as is the case for other select committees of this House.

Given the nature of the work of the Committee in relation to the responsibilities and duties assigned to the holder of the office of the Speaker, it is not feasible for the Speaker to be available to preside over the meetings of the Committee on a regular basis or sit in the Liaison Committee as a Chairperson representing the Committee of Powers and Privileges.

Hon. Members, in order to strike a fair balance and to ensure that the Committee of Powers and Privileges is able to regularly transact its business unhindered and to have representation in the Liaison Committee, I hereby, today, designate the Hon. Vincent Kemosi Mogaka, MP, a Member of the Committee of Powers and Privileges, as the Vice-Chairperson of the same Committee and the representative of the Committee in the Liaison Committee on behalf of the Chairperson.

This appointment takes effect immediately and shall remain in force until such other time as I may communicate otherwise. Thank you, Hon. Members.

Leader of the Majority Party, you have the Floor.

STATEMENT

BUSINESS COMMENCING ON 3RD AUGUST 2021 TO 5TH AUGUST 2021

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(a), I rise to give the following Statement on behalf of the House Business Committee, which met on Tuesday, 6th July 2021 to prioritise business for consideration:

I wish to commend the leadership of the House and Members for the dedication and co-operation exhibited in the second part of the Session so far, despite all the challenges. We are right in the middle of the year, and we have certainly been able to meet the statutory deadlines and timelines in respect to matters that were before us. We are now due for a short break commencing after today's sitting and I wish Members a productive recess period as they spend time with their families and also discharge their constituency obligations.

Hon. Members will recall that yesterday, we passed a Motion which altered the Calendar by extending the recess period by one week. As communicated yesterday by yourself, Hon. Speaker, this is meant to give committees a chance to handle all pending business before them, especially Bills and other business. I hope the extra time gives comfort to Members whose Bills or other businesses have been pending for a long time that there is hope for conclusion.

Upon resumption of the House on Tuesday, 3rd August 2021, the following business has been tentatively scheduled for consideration. In the Committee of the whole House, we will consider, Parliamentary Pensions (Amendment) No.3 Bill of 2019 and the Referendum No.2 Bill of 2020. The following Bills have also been scheduled for Second Reading namely the WAQF Bill of 2019, the Landlord and Tenant Bill of 2021, the National Hospital Insurance Fund (Amendment) Bill of 2021 and the Social Assistance Repeal Bill of 2020.

In accordance with the provisions of Standing Order No.42A(5) and (6), I wish to convey that the following Cabinet Secretaries are scheduled to appear before the departmental committees as follows:

1. The Cabinet Secretary for Environment and Forestry will appear on Tuesday, 13th July 2021, before the Departmental Committee on Environment and Natural Resources to respond to Question No.188/2021 by Hon. Kangogo Bowen, MP, on the death of Mr. Edwin Kiplagat Yatich after confrontation with Kenya Forest Service officers.
2. The Cabinet Secretary for Water, Sanitation and Irrigation will appear on Wednesday, 14th July 2021 before the Departmental Committee on Environment and Natural Resources to respond to Question No.218/2021 by Hon. Kamoti Mwamkale, MP, on the status of construction of Mzima II Water Supply Project, Question No.219/2021 by Hon. Ferdinand Wanyonyi, MP, on the status of disiltation of Kapsito, Aseka and Marinda dams in Kwanza Constituency and to answer Question No.226/2021 by Hon. William Kisang', MP, on the status of the Moiben Kuserwo Community Project.
3. The Cabinet Secretary for Health will appear on Thursday 15th July 2021 before the Departmental Committee on Health to respond to Question No.114/2021 by Hon. Benjamin Washiali, MP, regarding the AstraZeneca COVID-19 Vaccine and any associated side effects, benefits, level of protection and the process used by the Government in approving the vaccine. He will also answer Question No.186/2021 by Hon. Caleb Amisi on why the National Hospital Insurance Fund is yet to remit over Kshs3 million owed to St. Raphael Dispensary in Matisi Village in Saboti Constituency. He will answer Question No.208/2021 by Hon. Charles Njagua, MP, regarding the basis of allowing rail and air transport to carry passengers to full capacity during the COVID-19 Pandemic while subjecting other means of public transport to reduced passenger capacity requirements. He will respond to Question No.215/2021 by Hon. Omar Mwinyi, MP, regarding the state and total number of persons suffering from cases of severe mental health and breakdown per constituency and the measures the Ministry is taking to curb an increase in the number. Lastly, is Question No.223/2021 by Hon. Hassan Hulufu, MP, regarding the closure of the National Hospital Insurance Fund offices in Merti Sub-county in 2020.

Hon. Speaker, the House Business Committee will convene on Monday, 2nd August 2021 to schedule business upon resumption.

I now lay the Statement on the Table of the House.

(Hon. Amos Kimunya laid the Document on the Table)

Hon. Speaker: Next Order.

Hon. John Paul Mwirigi (Igembe South, Independent): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon. John Paul Mwirigi?

Hon. John Paul Mwirigi (Igembe South, Independent): Hon. Speaker, last week on Thursday, I rose to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security. You directed that the response to the request for the

Statement be done today. I was expecting the response now, but there is no response and the Chairperson, who was not in last week on Thursday, is not present. Hon. Speaker, I seek your guidance. What am I supposed to do because I was expecting the response? The people of my constituency are suffering. Business is not running as usual. I seek your guidance.

Hon. Speaker: Sometimes I prefer Members to consult me in the office. Hon. John Paul Mwirigi, from which Committee Chairperson did you seek a Statement?

Hon. John Paul Mwirigi (Igembe South, Independent): The Departmental Committee on Administration and National Security. The Leader of the Majority Party is present and he can direct me on how it will be done.

Hon. Speaker: You also acknowledged that the Chairman and the Vice-Chair are both absent, and today is the last sitting day before we proceed on a short recess.

Hon. John Paul Mwirigi (Igembe South, Independent): Hon. Speaker, they had committed they would respond today.

Hon. Speaker: Now that they are not present, what do we do? Does the Leader of the Majority Party have the response?

Hon. John Paul Mwirigi (Igembe South, Independent): Hon. Speaker, the Chairperson of the Committee has the responsibility. I have the mandate of the people of Igembe South to represent them here. As I represent them and there is a directive that has been given by yourself, I expect now to have something to respond back to the people who sent me to this House.

Hon. Speaker: The best I can do since the Chairperson is not present, is to direct that, when the House next sits, he presents the Statement. The House will next sit on 3rd August 2021 as the House passed yesterday in the resolution.

Hon. John Paul Mwirigi (Igembe South, Independent): Hon. Speaker, I am much obliged.

Hon. Speaker: If we were to sit next week, I would have directed that the response be brought on Tuesday, but now we have already passed the Motion that altered the Calendar so as to extend the recess period because Committees also have a lot of other business before them including responding to your Statement.

In that same category, Hon. Owen Baya, you had a similar issue. I will allow you to raise it.

Hon. Owen Baya (Kilifi North, ODM): Thank you, Hon. Speaker. I see that the Chairperson of the Departmental Committee on Education and Research has left, but three weeks ago, I sought a Statement on the mass failure of students in Kilifi County. In my Statement, I put it in such a way that I requested an inquiry on the same. However, I had a meeting with the Departmental Committee on Education and Research and they said that they were unable to carry out the work. So, I said that I will come back to the Chamber and request that you invoke the provisions of Standing Order No. 218(2) on the same so that you direct that they actually conduct the inquiry by going to the ground to talk to the stakeholders, collect information and come and present a report here.

Hon. Speaker: Are they able to say that they are unable to do the inquiry? You have said that you sought a Statement and it was not in the form of appealing to the Speaker to apply Standing Order No. 218(2).

Hon. Owen Baya (Kilifi North, ODM): Yes, Hon. Speaker.

Hon. Speaker: So, it was to the extent that it was not under Standing Order No. 218(2).

Hon. Owen Baya (Kilifi North, ODM): Yes, Hon. Speaker.

Hon. Speaker: So, we need, first of all, to get the response from the Departmental Committee on Education and Research so that in the event that it is not satisfactory, in fairness, Hon. Baya, then we can push it. That will happen in the event that the Statement they bring is not satisfactory.

Hon. Owen Baya (Kilifi North, ODM): I agree, Hon. Speaker. However, they called me to the meeting last week and I attended the session where they told me how handicapped they are. They had sent the document to the Cabinet Secretary, Ministry of Education, and he returned it and said that the Statement requested for an inquiry. Therefore, the Chairperson and her Committee informed me that they will request you to allow them to go with Standing Order No. 218(2). So, now that we are going on recess...

Hon. Speaker: Then they should request if they said that they are going to request. However, they have not requested.

Hon. Owen Baya (Kilifi North, ODM): Hon. Speaker, I wish the Chairperson or a Member of the Committee was here. There is professor who sits around here who was also part of that team.

Hon. Speaker: If the professor says something and the Chairperson or the Vice-Chairperson claim otherwise, then it will be another back and forth. I wish on that day when you sought the Statement, you actually indicated that maybe I could proceed to Standing Order No. 218 and then gave the special circumstances that would bring the request to the situation which is exceptional.

Hon. Owen Baya (Kilifi North, ODM): Hon. Speaker, the Leader of the Minority Party spoke about it on that day when I raised the Statement, and he is here. He said that the Statement qualifies to go to Standing Order No. 218 but, probably, he did not catch your eye.

Hon. Speaker: Hon. Members, let me say this: Hon. Baya, it may well be that Hon. John Mbadi may have said things like those, but sometimes, I am inundated with consultations here. I encourage Members, if possible, to consult with me in the office because some of them are small technical matters which we can resolve in the office so that I am able to also apply my mind to everything that is said here.

Hon. Owen Baya (Kilifi North, ODM): It is okay, Hon. Speaker. I can wait. However, I hope that when we come back from recess, they will be able to come back and do the same thing so that we can expedite this matter.

Hon. Speaker: Member for Nyando, I can see you have an intervention, but before I allow you, let me go back to Order Nos. 5 and 6, that is, Papers and Notices of Motion, in order to allow the Chairperson of the Select Committee on Regional Integration, Hon. Ali Wario, to do what he has to do.

Proceed, Hon. Wario.

PAPER LAID

Hon. Ali Wario (Bura, JP): Thank you, Hon. Speaker. I apologise for taking you back. I beg to lay the following Paper on the Table of the House today, Thursday, 8th July 2021, in the Afternoon Sitting:

The Report of the Select Committee on Regional Integration on its consideration of the Ratification of the Amendment to Article 24(2)(a) of the Protocol on the Establishment of the East African Community Customs Union.

NOTICE OF MOTION**RATIFICATION OF AMENDMENT TO PROTOCOL ON ESTABLISHMENT
OF THE EAST AFRICAN COMMUNITY CUSTOMS UNION**

Hon. Ali Wario (Bura, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on Regional Integration on the Approval of the Ratification of the Amendment to Article 24(2)(a) of the Protocol on the Establishment of the East African Community Customs Union, laid on the Table of the House on Thursday, 8th July 2021.

Thank you. Hon. Speaker.

Hon. Speaker: Vey well.

Hon. Jared Okelo.

Hon. Jared Okelo (Nyando, ODM): Thank you, Hon. Speaker. I thank you on the same breath because yesterday you gave a comprehensive enumeration of the pending Bills by Private Members which are at various stages in this House. You stratified them along Committee levels making it very easy for their sponsors to track them and be able to ultimately fast-track in this House.

There is a Bill that I have been working on, that is, the Health (Amendment) Bill. I have appeared before the Budget and Appropriations Committee and presented my case. When you presented a catalogue of pending Bills yesterday, I had expected to know exactly where my Bill is lying. Unfortunately, I did not hear that particular Bill from that long list.

This Bill is very important to me because it was addressing the unilateral detention of patients in various hospitals for lack of making payments. So, I thought that especially during this COVID-19 pandemic, this Bill was going to address this issue of moneylessness that has currently permeated our systems.

So, Hon. Speaker, I just need your indulgence, probably, if it is pending somewhere that you also need to add your voice so that it can be fast-tracked. We are approaching the end of this Session and I believe that, January next year, just you and I will be in this House prosecuting business as many Members will be caught up in their various constituencies. So, the sooner this Bill sees the light of the day the better so that it can benefit the people of Nyando Constituency.

You know about this Delta variant of the COVID-19 virus in Kisumu County and the adjacent areas. Many people are in hospitals and majority of them have been detained so far and there are no recalls. This Bill, if it would have been enacted into law, it would have addressed this matter once and for all. I am not talking just about the people of Nyando Constituency, I am talking about the Republic of Kenya, and by extension, Kenyans who are living abroad and coming here to seek treatment.

Thank you, Hon. Speaker.

Hon. Speaker: I have a feeling that the Bill may not have been published. That means that it remains a legislative proposal because if it has been published, then it cannot be with the Departmental Committee. The reason why you appeared before the Budget and Appropriations Committee I believe was for the purpose of addressing the requirement of Article 114(2) of the Constitution with regard to money bill effects.

Given what you have just explained, I am sure that must be the reason why they called you. Indeed, the Budget and Appropriations Committee should give a Report guiding or advising on how to proceed and whether the Bill should go to publication and, if not, the reasons.

Hon. Jared Okelo (Nyando, ODM): Hon. Speaker, I was caught aback because this is something that begun in the year 2018. I reckon in 2019 we almost lost it due to the pandemic. But, I was hearing about certain Private Members' Bills being proposed in the year 2019. So, how my Bill was overtaken so easily by other Private Members' Bills remains bizarre to me. I am puzzled to that extent.

Hon. Speaker: The Clerk, Mr. Ndombi, find out what has become of that legislative proposal on amendment to the Health (Amendment) Act.

Hon. Jared Okelo (Nyando, ODM): Thank you, Hon. Speaker.

Hon. Speaker: Next Order.

(Hon. Vincent Kemosi raised his hand)

I can see Hon. Kemosi, your hand is up. What is the issue?

Hon. Vincent Kemosi (West Mugirango, FORD-K): Hon. Speaker, I want to first of all thank you for appointing me to be the Vice Chairperson of the Powers and Privileges Committee. That is a big honour. Secondly, in the year 2018, I also brought a proposal on a Bill to amend the Constitution. That Bill was read in this House for the First Time in November 2019. Subsequently, I have been trying to follow up. It is in the Departmental Committee on Justice and Legal Affairs. Since last year, for over 15 months, it has been awaiting to go through public participation. I am unable to find the reason it is not moving. The gist of that is that, although some of the provisions that I have proposed were captured in the BBI which must have slowed the process, I am requesting your kind intervention for this Bill to be expedited since nobody knows the way forward for the BBI. In the event we do not have the BBI, this Bill will address some of the issues that I proposed for amendment.

Thank you, Hon. Speaker.

Hon. Speaker: Fortunately, the person who is in charge is right behind you. It is Hon. Hon. T.J. Kajwang', the Vice Chairperson of the Departmental Committee on Justice and Legal Affairs. What can you say about Hon. Kemosi's Bill to amend the Constitution?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Speaker, Sir, we took you seriously yesterday when you issued a Communication from the Chair in which several Bills were listed as pending before the Departmental Committee on Justice and Legal Affairs. So far, we have made very urgent arrangements to make sure that these Bills are progressed and processed, with emphasis on individual Members' Bills. I am sure that this is one of those. I have seen the catalogue of those pending Bills. One of them is this one to do with public participation. We recognise the enormity and the importance of that Bill. Public participation is a "wild animal" that everybody else has spoken about. Now that someone is attempting to make a legislative proposal around it, we are very keen to process that. We have expressed our regret that it was not brought as early as the Member would have wished but we can assure him that it will be one of the Bills that will be before the Assembly to process after recess. So, my friend can rest assured that it will be done.

Thank you very much, Hon. Speaker.

Hon. Speaker: Very well. Let us now deal with the business on the Order Paper.

BILL

Second Reading

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THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL

(Hon. (Ms.) Odhiambo-Mabona on 13.5.2021)

(Debate concluded on 1.7.2021- Afternoon Sitting)

Hon. Speaker: Hon. Members, as per the record, debate on this Bill was concluded at Second Reading. What remains is for the Question to be put, which I hereby do.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Next Order.

PROCEDURAL MOTION

EXTENSION OF TIME FOR CONSIDERATION OF SPECIFIED PETITIONS

Hon. Speaker: The Chairman of the Departmental Committee on Agriculture and Livestock, Hon. Tiren.

Hon. Silas Tiren (Moiben, JP): Thank you, Hon. Speaker. I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 227(2) (Committal of Petitions), this House resolves to extend the period for consideration of the public Petitions specified hereunder which are before the Departmental Committee on Agriculture and Livestock by a further period of sixty (60) days with effect from 9th July 2021:

- (i) Public Petition regarding revival of the Kenya Cashew Nuts Factory presented by the Member for Kilifi North (Hon. Owen Baya, MP);
- (ii) Public Petition regarding development and marketing of *miraa* presented by the Member for Igembe South (Hon. John Paul Mwirigi, MP);
- (iii) Public Petition regarding safeguarding of the public interest in the use of Kangaita Tea Farm land in Kirinyaga County to establish a Japanese Specialty Green Tea Production Factory by KTDA presented by the Member for Kirinyaga Central (Hon. John Munene, MP); and,
- (iv) Public Petition regarding transfer of oversight of Kenya Leather Development Council presented by the Member for Kajiado North (Hon. Joseph Manje, MP).

Thank you, Hon. Speaker. The Committee already met various stakeholders in consideration of the above Petitions but requires further engagement to exhaustively cover the issues raised, and further, following factors that prevailed. As you are aware, issues of COVID-19 affected Committee's meetings and proposed inspection visits, consideration of Budget Estimates for Financial Year 2021/2022 and the Supplementary Budget Estimates needed to be

prioritised over other Committee business. The Committee concluded deliberations with the Sugar Bill which took much of our time as well but we were able to clear with it. So, the Committee has prioritised consideration of the Petitions during the short recess so that we are able to move forward. I therefore humbly request the House for an extension of the period of presentation of the Petitions by an addition of 60 days, effective 9th July 2021.

I beg to move and request Hon. Chris Wamalwa to second.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Speaker. I beg to second this Motion that the House extends the period for the listed business by the Departmental Committee on Agriculture, Livestock and Fisheries. This is because some of the field visits that had been organised were interrupted by the Coronavirus pandemic. As my Chairman has clearly put it, the Committee prioritised business of the Budget Estimates. That is why this other business was delayed. So, we humbly request this House to grant the extension.

I beg to second.

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

Hon. Speaker: Hon. Kareke Mbiuki, a similar Motion.

PROCEDURAL MOTION

EXTENSION OF PERIOD FOR CONSIDERATION OF PETITIONS ON ENVIRONMENT

Hon. Kareke Mbiuki (Maara, JP): Thank you, Hon. Speaker. I beg to move the following Procedural Motion:

THAT, notwithstanding provisions of Standing Order 227(2) (committal of petitions), this House resolves to extend the period of consideration of the public petitions specified hereunder, which are before the Departmental Committee on Environment and Natural Resources, by a further period of 60 days, with effect from 13th July 2021:

- (i) Public petition regarding safeguarding of public interest in climate action awareness campaigns to increase forest cover and fight deforestation, presented by the Member for Ainabkoi, Hon. William Chepkut.
- (ii) Public petition regarding encroachment and grabbing of public land and water catchment areas in Igembe Central Constituency, presented by the Member for Igembe Central, Hon. Kubai Iringo.

Due to the situation this Houses faces currently, especially with regard to COVID-19 restrictions, the Committee could not dispense with these petitions in time. Bearing in mind that for the last 30 days or thereabout this House has been considering the main Budget and the Supplementary Budgets I and II, we were not able to conclude consideration of the petitions in time. We have engaged various stakeholders and most of the petitions on the same. But given that we are going on recess, the 60 days period is going to lapse before we are able to complete the process. It is due to these reasons that we request this House to consider extending the time for prosecuting these petitions by a further 60 days.

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I beg to move and request Hon. Chachu Ganya to second. I thank you, Hon. Speaker.

Hon. Speaker: Hon. Chachu Ganya.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Speaker. I beg to second. For sure, as a Committee we have really been engaged. There is a lot in our tray. For these reasons, we have not been able to meet the necessary deadlines, but we do promise to do our best and provide feedback in due course. I beg to second.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: It is the desire of the House that I put the Question.

(Question put and agreed to)

It is fair that Committees which have been granted extensions do prioritise the petitions. We appreciate, indeed, that there were two supplementary budgets and the main Budget brought for consideration. Since the six petitions were brought by colleagues, by the time we resume, if possible, try to bring some reports.

Next Order.

PROCEDURAL MOTION

CONSIDERATION OF CERTAIN BUSINESS RECEIVED DURING THE JULY-AUGUST 2021 RECESS

Hon. Speaker: Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Orders 120, 122 and 126 relating to publication, procedure upon publication and First Reading of Bills and Standing Order 210(2) relating to tabling of statutory instruments, this House orders that during the period of the July/August (9th July to 2nd August 2021)—

- (i) should a Bill be published during the said period, or a published Bill becomes due for First Reading during the period, the Speaker shall, upon lapse of at least seven days following the publication of the Bill, the fulfilment of the provisions of Article 110(3) of the Constitution and following a determination that such Bill is of priority, forthwith refer the Bill to the relevant Committee for consideration pursuant to the provisions of Standing Order 127 (committal of Bills to committees and public participation) and, upon resumption of the House, cause the Bill to be read a First Time and the Second Reading may be taken forthwith, or on such other day as the House Business Committee may determine;
- (ii) should any statutory instrument be transmitted for tabling before the House during the period, the Speaker shall, following a determination that the statutory instrument is of priority, forthwith refer the statutory instrument to the relevant Committee for consideration and cause the statutory instrument to be tabled in the House during its next Sitting in accordance with the provisions of section 11 of the Statutory Instruments Act (No. 3 of 2013); and

- (iii) should any paper be transmitted for tabling before the House during the period, the Speaker shall, following a determination that the paper is of priority, forthwith refer the paper to the relevant Committee for consideration and cause the paper to be tabled in the House during its next sitting.

Hon. Speaker, this is a routine Motion. We ask the House to pass it so that we cover the processing of business when we are away. We should not lose any time as we wait for a Bill to be read the First Time then it is committed to the relevant committee. We will not be in the House then.

During these three weeks of recess, any business, just for clarity to Members... If any Bill comes after seven days, it will automatically be referred to a Committee for processing. We will then take it from there when we come back. The same thing applies to the Statutory Instruments (Amendment) Bill and any Papers that need to be transmitted to a Committee. We already covered Notices from the Senate in an earlier Motion that was approved by this House. Therefore, that does not apply in this case. This is a straightforward matter that we need to cover during this period.

I beg to move and ask the Leader of the Minority Party to Second.

Hon. Speaker: Leader of the Minority Party, kindly, have the Floor.

Hon. John Mbadia (Suba South, ODM): Straightforward, as the Leader of the Majority Party has said. I do not think there is anything much to add. We are going on recess and we just want to make things simple when we are away. This is so that issues that can easily be dealt with administratively, through your office, can be dealt with. When we come back, they will have moved forward.

I second.

Hon. Speaker: If we can consult a little bit, Members, you have heard the nature of the Motion.

(Question proposed)

Hon. Wamalwa, what is your point of order?

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Hon. Speaker, I rise to seek your direction pertaining to this Procedural Motion cognisant of the fact that we have the Selection Panel that is interviewing the Independent Electoral and Boundaries Commission (IEBC) Commissioners. Once they finish, obviously, it has to come to the Justice and Legal Affairs Committee. I am therefore, looking at whether it has been taken care of. This is because it pertains to the Statutory Instruments (Amendment) Bill and Papers. Is it taken care of under the Papers or do we amend and say Communication?

Hon. Speaker: It is under the Papers.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you.

(Hon. (Ms.) Odhiambo-Mabona consulted loudly)

Hon. Speaker: Hon. Millie, if we could, please, have one meeting I would appreciate.

(Question put and agreed to)

Before we go to the next Order, kindly, receive some intimation from Hon. Benjamin Mwangi.

Hon. Benjamin Gakuya (Embakasi Central, JP): Hon. Speaker, I wish to seek your indulgence as I request for deferment of the business appearing as Order No.11(i). It is consideration, in the Committee of the whole House, of the Public Service Commission (Amendment) Bill (No. 27 of 2019).

The reason for this request is to allow for further consultation with the stakeholders to ensure that every aspect intended is considered.

Thank you.

(Applause)

Hon. Speaker: Hon. Members, the request is fair. It is a straightforward one. It is good to indulge the Member who is also the Mover of the proposed amendments. The request is acceded to.

(Applause)

That part of business appearing as Order No.11 (i) is, therefore, taken out and deferred to next time as the House Business Committee may prioritise.

*(Consideration of the Public Service Commission
(Amendment) Bill in Committee of the whole House deferred)*

That also helps us to deal with the business by Hon. Peter Kaluma. When you go to the Committee of the whole House, and also, for the people interested in the Sugar Bill, get to know that it has a balance of 1 hour 48 minutes. It is good that, that Bill now be concluded.

Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Hon. Justin Muturi) left the Chair]

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Hon. Patrick Mariru) took the Chair]*

THE LAW OF SUCCESSION (AMENDMENT) BILL

(Several Members walked out)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order Member, order! We are now in the Committee of the whole House on this particular, Bill: The Law of Succession (Amendment) Bill (No. 75 of 2019).

Hon. Peter Kaluma is the man of the moment. We have an amendment by Hon. Kaluma. You may move the amendment to Clause 3 and in the amended form. I am aware that there is an amended form as approved by the Speaker.

Clause 3

Hon. Peter Kaluma (Homa Bay Town, ODM): Yes, Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 3 of the Bill be amended —

(a) in the proposed new section 29(1) by —

(ii) deleting the proposed new subsection (2) and substituting therefor the following new subsections —

(2) A person may apply to the court for declaration as a dependant for purposes of this Act if the person—

(a) cohabited with the deceased for a period of at least seven years prior to the deceased's death;

Hon. Temporary Deputy Chairman, if I would be allowed to make a further amendment there it is three years prior to the deceased's death.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Hon. Kaluma! Are you saying over and above what you are moving in the amended form you still want to do a further amendment?

Hon. Peter Kaluma (Homa Bay Town, ODM): Yes, seven to three years.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Okay that is...

Hon. Peter Kaluma (Homa Bay Town, ODM): In fact, it is a family matter we...

The Temporary Deputy Chairman (Hon. Patrick Mariru): However, I will need it written after that so that then it is on record. However, please proceed.

Hon. Peter Kaluma (Homa Bay Town, ODM): Yes.

(i) in the proposed new section 29(1) by —

(ii) deleting the proposed new subsection (2) and substituting therefor the following new subsections —

(2) A person may apply to the court for declaration as a dependant for purposes of this Act if the person—

(b) is reputed by the family of the deceased as having been in such cohabitation; and

(c) was being maintained by the deceased prior to his or her death.

Hon. Temporary Deputy Chairman, this amendment is informed by the contributions made on the Floor. I am abandoning the initial amendments because after consultations they do not change anything much in terms of how the law has been approaching the matter. However, as much as we are defining spouse to have the definitions given to it in the Marriage Act, we also do not want to completely shut out people who may not have formalised marriages and are recognised even by the deceased's families as people who can by law and under the law benefit from the property of the deceased. Therefore, I am balancing the need to keep the marriage but also allow persons who should be lawful dependants like people who did not just formalise their

marriage before death to also benefit from the deceased so long as the party was introduced to the family of the deceased.

Hon. Temporary Deputy Chairman, I beg to move.

(Question of the amendment proposed)

(Hon. (Ms.) Odhiambo-Mabona stood on a point of order)

The Temporary Deputy Chairman (Hon. Patrick Mariru): What is out of order, Hon. Millie?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairman. Just to guide us, I really do not have a problem with what Hon. Kaluma is saying in the last bit of moving the cohabitation from seven to three years or it would even have been better if it was two. However, that is not the issue. I heard when we were starting he indicated that he is going to move his amendment in the form that is approved by the Speaker and Chair. I do not seem to have that. It seems like he is only moving one item out of the whole. Does that mean that all the other previous amendments are withdrawn? I think we need clarity on whether all the other amendments are withdrawn so that the only thing that we are not seeking clarity on is a situation where you have cohabitantes. I hope it is clearer.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Deputy Chairman, I started by indicating that the amendments indicated on the Order Paper all stand withdrawn. There was a subsequent amendment approved by the Speaker and I am told that it is being circulated. I am sorry, Hon. Millie, this is coming late. This is so that we have only one amendment affecting sub clause (2).

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Kaluma, you actually did my work by directing the Serjeant-at-Arms to circulate the amendment and, indeed, that is fair so that Members have a copy so that we then move together. Hon. Chris, is it on the same? Do you want to contribute or it is an issue of...

Hon. Peter Kaluma (Homa Bay Town, ODM): Do you have it already?

The Temporary Deputy Chairman (Hon. Patrick Mariru): No, if it is about contribution, let me propose the Question first then I give you a chance.

(Question of the amendment proposed)

I can tell there is quite a bit of interest on this. I will give a few Members the Floor. Hon. Chris.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Chairman for this opportunity. I remember I seconded this Bill when Hon. Kaluma moved it. As Hon. Millie has clearly put it, Hon. Kaluma circulated new version showing at least seven years and I am assuming you had allowed him to change from seven to three through a further amendment. Now, some of us feel the three years are too long. You should reduce to two years so that so long as you are... We have seen these cases. I remember last time in the Marriage Act in the last Parliament which was moved by Hon. Nyokabi, it was actually six months. I was talking to Hon. Millie and reminded her about the issue. If we go for three years, this is too long. I think we should reduce it to two years. We also have some families that can be together and maybe because of financial constraints...

(Hon. T.J. Kajwang' stood on a point of order)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order Hon. Chris. Hon. T.J. Kajwang', what is out of order?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairman, I rise on a point of order on procedure. We are doing well, but there is one procedure that we seem not to be getting all the time. This is the procedure of further amendments. It denies us debate in the issues which are subject to further amendment. I would have expected Hon. Kaluma to move this amendment as has been written on the paper then after that he should rise to propose a further amendment and then we subject it to debate because you can see that there is interest from Members of Parliament including the Member for Kiminini. We need to investigate this issue of how many years or months. Yes, can we first get the order right by Hon. Kaluma pronouncing himself as is on the paper he has given? Let him move the further amendment then we debate it before we go back to the original amendment as proposed. I ask that we go back to the procedure.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Even before Hon. Kaluma moved the amendment, he had actually not moved the very first one. He stood and said he would like to move it now afresh and that is why I have signed it. Is it three years, Hon. Kaluma? Therefore, what is on the Floor is actually what he referred to as further amendment because I allowed it and I have approved it. However, as Hon. T.J. Kajwang' is saying if you have a further amendment, we must deal with Hon. Kaluma's first. We have Hon. Kaluma's amendment on the Floor as we speak. Before I get to my right let me give an opportunity to the Minority Leader.

Hon. John Mbadi (Suba South, ODM): Hon. Temporary Deputy Chairman, maybe I am a bit confused. I am personally so much against this opening of space for a lot of litigation on matters succession where we now want to bring in those who have been cohabiting. If you want to marry, marry when you are alive and have as many wives as you can. This idea of looking for shortcuts, we are creating space for people to go to court. Your dependants are suffering. The courts will take forever just because you have created some space in law for cohabitation. People cohabite whether it is for one year or three years, it does not matter. For me, we need to be very clear and put it in law that you marry. If you want to marry then marry. If you have not married please keep your other issues away. If you allow yourself to be misused until someone dies then claim anything from that estate... Someone who loves you should marry you. If you want to stay with him, enjoy when it lasts. I am against the whole thing. I do not know how I can now support the whole thing. I oppose.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Let us have Hon. Sankok. Hon. Opondo Kaluma it is important to listen to what Members are saying because I will give you a chance to speak to the same amendment at the end.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Chairman for giving me this opportunity. The Hon. Leader of the Minority Party, Hon. Mbadi had stolen words from my mouth because we are opening up litigation. It is not a must for you to have an expensive wedding. If somebody loves another, they can as well have a wedding at the Attorney General's Chambers and have a marriage certificate by paying Ksh100. So, I ask the Members of this House to reject this completely and throw it out because we are opening up room for litigation. Just get married if you are loved but if they do not want to marry you, then you are not needed in that relationship. If somebody did not love you in life, he will not love you in death. So, just keep off.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Okay, Hon. Owino.

Hon. Jared Okelo (Nyando, ODM): Hon. Temporary Deputy Chairman, I want Hon. Kaluma to listen to this. Subsection 2(b) is talking about reputation. How do you qualify reputation in a family? They are going to disagree there and that is what the Hon. Leader of the Minority Party was talking about when he referred to litigation. In Subsection 2(c) he says the person was being maintained. How do you measure maintenance? Is it one time rent, is it a package of sugar? You cannot qualify all these? So, drop this.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Okay, Hon. Millie Odhiambo. We will have two others and then we will make progress.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairman for giving me this opportunity.

First, I request that you protect me from the Kisumu politics.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order Members. I do not see Kisumu politics but I can see some two Members there. Maybe that is what you are referring to but please proceed.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Chairman, before I speak to the substance, I am confused by the way Hon. Kaluma has moved this amendment. I want Members to be very clear. Sometimes we are the ones who pass a law and then we do not understand the law that we have passed.

With your permission, let me just move this one so that I am clear. Under the Marriage Act 2014 of the Laws of Kenya, you can marry in four different ways: You can go to the Office of the Attorney General or church, you can marry under Islamic law, you can marry under customary law, under Hindu law and you can also marry under cohabitation. I want to explain to you. It is said in the interpretation, Section 2 of the Marriage Act that cohabitation means to live in an arrangement with an unmarried couple where the unmarried couple lives together in long term relationships that resemble a marriage. It is legal.

I want to declare that I am not a cohabitee. I am a first wife married in church but I will defend the rights of women who are cohabiting with other men who will be left suffering with other children because it becomes our responsibility. In law we have protected cohabitation, not girlfriends, slay queens or people who emerge at funerals and declare they are wives and they were not staying together.

When you cohabit consistently with a man over a reasonable period of time, then you are a wife. What we need to agree as a House because the marriage Act did not put it as Members did not agree, is how long that period is. For me what Hon. Kaluma is suggesting as three years is okay. If you have stayed with a man for three years, you are not selling mangoes, rather you are living as a man and wife.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Very well. I am giving a few other Members on this one because I can see the interest. Hon. Manje. I will give two other Members then we will make progress on this one.

Hon. Joseph Manje (Kajiado North, JP): Thank you, Hon. Temporary Deputy Chairman, when it comes to serious cohabitation, it should be given enough time. Three years is just a short time for a serious cohabitation. To avoid games being played on the ground, it is better we retain seven or forget about this clause.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Yes Hon. (Dr.) Oundo, but remember this is not Second Reading. It is Committee of the whole House. So, just be brief

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Chairman, I want to appeal to my colleagues that if we do not carry this amendment, we will retain the one that is in the published Bill which is so fake and imprecise since anybody from anywhere will rise and claim to be a dependant or wife. Cohabitation is known and accepted in the Marriage Act. We are simply carrying that into this law of succession. So, let us consider the three years that have been proposed which is reasonable time and couples court often all over this country. Let us not hide and pretend that we do not know.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Catherine.

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): Thank you, Hon. Temporary Deputy Chairman. We have been closely working with Hon. Kaluma on this Bill but allow me to disagree with him on a few things. Probably we should be introducing a further amendment. Clause 3(2) (b) reads thus:

“is reputed by the family of the deceased as having been in such cohabitation.”

You know the history of Africans and how they behave. Even for a woman who is legally married, your family will always be the first people to throw you, your children and property outside. For that reason that is why we are saying, if you want to protect the interest of your side wives, come out clear here without the approval of anybody. The approver is the one who approves at night. That man who approves at night should be the approver even during the day and in his absence it should not be a situation whereby you are subjecting women to ridicule in the society and families.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Millie, you have a point of information to who? Hon. Waruguru do you need information from Hon. Millie?

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): At the cafeteria. I thank you, Hon. Temporary Deputy Chairman

The Temporary Deputy Chairman (Hon. Patrick Mariru): Not here, thank you. Hon. Members, let us make progress on this one. Let us have Hon. Opondo Kaluma before I put the Question, please.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Members, I know we are in the Committee of the whole House and thank you Hon. Temporary Deputy Chairman for the indulgence because this is a very important Bill affecting society and the family.

Hon. Millie you will inform me. Just give me a minute I explain to them.

Hon. Members, first unlike the position of the law, we have defined “spouse” which has been abused to mean anybody who claims to have been depending on you, to have the meaning assigned to it to the word “husband” and “wife” under the Marriage Act. So, we have made a restriction there. In terms of the other clauses, I have essentially repeated what is in the current law.

When this matter was debated, Hon. Members I beg you and more so Hon. Mbadi because he was not there at the Second Reading, issues were raised about sub clause 2 which I was amending. If you look at it, it says anybody who can prove the deceased was maintaining them for a period of two years prior to the deceased’s death will qualify to be a dependant.

This is opening floodgates again. So, essentially Hon. Mbadi is saying we delete but we are Africans. Let me explain to you Mbadi.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Opondo proceed.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Deputy Chairman, in my case, my mother is wedded in church but we are in a polygamous family. It will necessarily qualify as bigamy but these stepmothers of mine live with my mum in the same compound. Can

we wake up because of this law of succession to say they are disentitled completely? This is affecting even Members here. So, we agreed that if cohabitation, what we call marriage by reputation under the Evidence Act, can be established where there is evidence of maintenance and these people were reputed by the families and not friends, that they can cope as married people, then they should have some leeway. I caution the Members that if you reject this improvement based on the presentations which were made here, we will revert to the earlier situation where anybody can claim. So, I beg you support.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order! Hon. Members, I will put the Question.

(Question, that the words to be left out be left out, put and negatived)

Order! Members, what is it? I hope Members know that that particular clause we are putting the Question...

(Loud consultations)

Order, Hon. Members. I can tell that Members are quite excited about the discussion around this clause but it is important to follow what I am putting. On the first one, just let me take you slowly so that we carry everyone along. What we did on the first Question is that Hon. Peter Kaluma's proposed amendments were rejected. That means that we go back to what is in Hon. Peter Kaluma's Bill without the amendment. So, the amendment is rejected. We go back to what is now in the Bill.

I need to put the Question now so that it remains as it is. Hon. Members it is important to carry... I can tell that there is a bit of excitement on that. I will take the liberty to put that Question again in light of what I have explained.

What is it Hon. T.J. Kajwang'.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairman, I am just confused, if you could help me. I do not know whether I am the only one who is getting confused. I was of the view that we were dealing with a further amendment that Hon. Kaluma brought in the middle of things. He had a written one which was saying seven years. Then, he rose to say that now he would prefer three years. So, in my view, we were dealing with that further amendment. After we are through with that further amendment, now we go to what Hon. Kaluma is proposing. That was my thinking. Hon. Kaluma, would you, through Hon. Temporary Deputy Chairman...

The Temporary Deputy Chairman (Hon. Patrick Mariru): Proceed. You are speaking to me. Hon. Kaluma is quite excited this afternoon.

Hon. T.J. Kajwang' (Ruaraka, ODM): He is extremely excited.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Peter Kaluma, it is important to listen to what Hon. T.J. Kajwang' is saying although I will give directions.

Hon. T.J. Kajwang' (Ruaraka, ODM): In terms of record, I thought we were dealing with a further amendment of seven years to three years. Then after that one of three years, which

amendment has been defeated, it means that we are now dealing with the proposal of seven years. So, it is the proposal of seven years that you will now put the Question on. After that, we will go to back to the Bill. So, I am getting confused. I do not know if Hon. Temporary Deputy Chairman you could give guidance on this one.

(An Hon. Member spoke off-record)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order! There is no point of order over another point of order. Let me explain what Hon. T.J. Kajwang' has raised. It is important. I can tell the excitement. For a minute, just listen to what I say on this one, especially on what Hon. Kajwang' has raised.

What Hon. Peter Kaluma had on the Order Paper indicates that he would like to move it in an amended form. Hon. T.J. Kajwang', if you read Standing Order No. 48, it allows the Speaker to give a Member the chance to move a proposal in an amended form. That is what I did. When Hon. Peter Kaluma moved and Members debated, I put the Question and it was rejected in totality. In effect, what that means...

(Hon. (Dr.) James Nyikal consulted loudly)

Hon. (Dr.) James Nyikal, please, listen first.

In effect, what that means is that the amendments that Hon. Kaluma had raised have fallen in totality. What that means is that we now go back to the provisions that are in Clause 3 of the Bill. So, because Clause 3 is already in the Bill, the Question I put is a global Question that Clause 3 be part of the Bill. For that reason, I am going to put that Question again, that Clause 3, which is already in the Bill, be part of Bill. That is very important. Hon. Members, I will...

What is it the Leader of the Majority Party?

Hon. Amos Kimunya (Kipipiri, JP): I wish, Hon. Members, we would move in some systematic order because there are two issues...

The Temporary Deputy Chairman (Hon. Patrick Mariru): Proceed, Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Just so that we do not throw the baby with the bath water, if you look at the amendment by Hon. Kaluma, it actually has two parts. There is part (i) and (ii). It will be good for this House to pronounce itself in terms of those because they are very distinct, they are not together.

If you look at what is within part (i), it is basically cleaning up the Bill by itemising the same issue which nobody has a problem with. When you go to two, it is the one that is bringing in this issue of the other dependants. Sub-clause (i) is talking of parents, step-children and all that, and making it neater in terms of how we do qualify. In the absence of the children, what happens?

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order! Leader of the Majority Party, before you proceed, I hope you are not referring to the amendments.

Hon. Amos Kimunya (Kipipiri, JP): I would propose...

The Temporary Deputy Chairman (Hon. Patrick Mariru): I hope you are not referring to the amendments because the House has already resolved on the amendments.

Hon. Amos Kimunya (Kipipiri, JP): Oh, I see.

The Temporary Deputy Chairman (Hon. Patrick Mariru): What we are dealing with is now what is in the Bill.

Hon. Amos Kimunya (Kipipiri, JP): Fine.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Yeah. The House has already moved.

So, Hon. Members, I will put the Question now on what is in the Bill on Clause 3.

(Clause 3 agreed to)

Clause 2

(Loud consultations)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order! Hon. Members. We have now moved from Clause 3, now we are in Clause 2. There are no amendments to that.

(Clause 2 agreed to)

Title

The Temporary Deputy Chairman (Hon. Patrick Mariru): There is no amendment to it.

(Title agreed to)

(Clause 1 agreed to)

Hon. Members, we are done with that Bill. Mover! Where is Hon. Peter Kaluma? Hon. Kaluma, this is quite a moment. You are quite excited. It is about moving the reporting.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Law of Succession (Amendment) Bill (National Assembly Bill No. 75 of 2019) and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Hon. Patrick Mariru) in the Chair]*

REPORT AND THIRD READING

THE LAW OF SUCCESSION (AMENDMENT) BILL

Hon. Emmanuel Wangwe (Navakholo, JP): Hon. Temporary Deputy Speaker, I beg to

report that a Committee of the whole House has considered the Law of Succession (Amendment) Bill (National Assembly Bill No. 75 of 2019) and approved the same without amendments.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I request Hon. Nyikal to second the Motion for agreement with the report of the committee of the whole House.

Hon. (Dr.) James Nyikal (Seme, ODM): I second.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kaluma I can clearly tell that this is an afternoon for you. The excitement!

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Deputy Speaker, I beg to move that the Law of Succession (Amendment) Bill (National Assembly Bill No. 75 of 2019) be now read the Third Time. I request Hon. Nyikal to second.

Hon. (Dr.) James Nyikal (Seme, ODM): As I second, let me just say that people really did not understand the full meaning but I second. However, what it means is, it has gone to the Marriage Act and that is how the Marriage Act defines it. So, to a large extent, that is basically it. I second.

The Temporary Deputy Speaker (Hon. Patrick Mariru): This afternoon has been quite something especially with this Bill by Hon. Kaluma.

(Question proposed)

I can tell there are a number of Members who would like to speak to this. Let us start with Hon. T.J. Kajwang.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Speaker, thank you very much. Sometimes it occurs that Members get a little carried away and also overly excited. Sometimes we do it to the extent that we may overreach what we had intended in the legislative proposal. I do not know where we really are right now as we are passing this legislation. I am waiting for the velum copy to read and understand where we are, whether slay queens have all fallen down or whether there is a protection that slay queens both in the House and outside can take refuge in. I have a lot of sympathy for slay queens. I naturally have a lot of sympathy for slay queens because these are people some of the people have invested emotionally...

(Loud consultations)

Member for Homa Bay through the Speaker and Member for Suba South. You see, I would have thought that we had intended to save them from these trajectories but I will have to read the velum copy to know exactly where we are in so far as slay queens are concerned.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Well, I will have two other Members then we will make progress. Let us have a Member who has not spoken. Hon. Savula.

Hon. Ayub Angatia (Lugari, ANC): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity. I am grateful that this House has debated the Law of Succession (Amendment) Bill (National Assembly Bill No. 75 of 2019). It has been a hot debate but I want to

sound a warning. As a polygamist; I have three wives, this thing is the best law to sort out the mess in a polygamous family. When men go out there impregnating women, do they understand the implication after that? I like the Speaker of the Senate, Hon. Lusaka. He spoke like a man. I stand by him. He said that he admits that that child belongs to him. If I were in that position, I would also admit. We have done a wonderful job and I want to congratulate Members who have debated this amendment. We have given Kenyans a clear way of sorting out the mess during succession in courts.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): The Leader of the Minority Party who gets priority to speak. Hon. Mbadi.

Hon. John Mbadi (Suba South, ODM): Hon. Temporary Deputy Speaker now I am happy. I have looked at the Bill where we are now and I am happy because we have gone back to Marriage Act. Even if we kill this Bill, now, there is still the Marriage Act. So, now that we have recognised spouse as defined in the Marriage Act, we pass. I want to respond to Hon. Savula. You do not need to go to court and the media to announce your children. No one deserves congratulations for accepting his children in the media and courts. Accept your children without being asked. We have accepted our children without being asked. If you have sired children, make sure you accept them without anyone asking you.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Member for Kwanza.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon Temporary Deputy Speaker, I want to make a correction here. We have passed this Bill, but I want Hon. Kaluma to go back. Given the reaction of the Members here, he did not do his homework properly. I want him to go back and do it again because he had very good intention. Members have misunderstood what he wanted to do. We have customary marriage, and others. If you want to marry, you marry. At the same time, if you have children out there, somebody has just mentioned that people have children out there, it is good to accept them as they are rather than hiding under the Marriage Act. I want Hon. Kaluma to go back given the reaction of people and come back with a better amendment. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Why do we not have two Members? This is Third Reading. Let me start with Hon. Millie, then this side then the Leader of the Majority Party will close.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you Hon. Temporary Deputy Speaker for giving me this opportunity. The reason I came this afternoon is because of this Bill. I know many of us have concentrated on the issue of the seven and three years. What we have done in effect, is that we have dropped Clause 3 of the amendment by Hon. Kaluma and retained Clauses 1 and 2. Clauses 1 and 2 define a spouse as per the Marriage Act which includes people who are cohabiting and that we have left to the courts to determine the number of years. So, we have actually given the authority which we could have set here.

But there is one significant thing that I regret we did not pass. Sometimes in our excitement we forget very useful things. The main reason I was here is to talk about Clause 29(c) of the original Act that Hon. Kaluma dropped. It refers to where the deceased was a woman and her husband was being maintained by her, immediately prior to the date of her death. This was favourable to our men. Why must we talk about equality as women but when it is equality to the men we oppose? I am shocked that it is men opposing equality to them. What is the matter with men? When you see Hon. Mbadi moving all over, sometimes he forgets to look at things which

are significant for men. It is not just about cohabitation. It should have said that even if your wife was supporting you before while she was alive, you do not have to prove. But now it means that it is one way. We need to balance. We have actually missed a very important amendment in our excitement. I encourage Hon. Kaluma to bring it again and I will support him.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, this is the Third Reading. We had the Second Reading and the Committee of the whole House. We also have other business, Hon. Members. Why do you not allow us to make progress?

(Hon. David ole Sankok spoke off-record)

Hon. Sankok, certainly I cannot give you a chance when the Leader of the Majority Party wants to speak. The Leader of the Majority Party must speak first. Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you. Hon. Temporary Deputy Speaker. Hon. Millie Odhiambo has explained very well. At times we get excited and when we are voting we are not quite sure what we are voting for. Listening to Hon. Savula, we are talking about totally different things. The only thing left in this Bill to vote for is the definition of “spouse”, which is a good definition. I appeal that we bring down the emotions and agree and make progress.

(Hon. Ferdinand Wanyonyi consulted loudly)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order Member for Kwanza. Hon. Members, I have confirmed we have numbers here and in the holding areas.

(Question put and agreed to)

(The Bill was according read the Third Time and passed)

Next Order.

BILL

Second Reading

THE SUGAR BILL

(Hon. Wafula Wamunyinyi on 24.6.2021)

(Resumption of Debate interrupted on 1.7.2021)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, this is a resumption of debate that was interrupted on Thursday, 1st July 2021. On the Floor, we had Hon. Muhanda Busihile who had a balance of six minutes. He has the Floor. Hon. Muhanda.

Hon. (Ms.) Elsie Muhanda (Kakamega CWR, ODM): Hon. Temporary Deputy Speaker, thank you for giving me the opportunity to complete my six minutes.

The sugar sector is very important to Kenya as a nation. As we are a predominantly an agricultural country, sugar has boosted economies of countries like Brazil, India, China and Mauritius whose per capita income has gone up. The Sugar Bill will go a long way in addressing

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the plight of cane farmers who are faced with a chaotic sugar industry with no rules and regulations. As a country, proper management of the sugar industry will be a game changer in poverty eradication by creating employment opportunities, increasing our exports to both the Common Market for Eastern and Southern Africa (COMESA) and beyond and reduce sugar imports.

The Bill addresses best practices that will give us great income generating opportunities derived from the cane by-products. Ethanol and molasses will speed up growth of brewing business, the pharmaceutical industry, animal feeds and other by-products.

We can harness car fuel technology through the sugar-cane industry to power vehicles and other industrial machines as it is in the case of Brazil.

Part II of the Bill will make sure that millers invest in the farmer by apportioning them 51 per cent shareholding. The private millers all over Kenya have no commitment to the farmers. The functions of the board will address problems arising from the high cost of production, delayed harvesting of cane, brokers and middle men who reap more than the farmers, falsified weighbridges, which are not properly calibrated where farmers make a lot of losses because a farmer can bring five tonnes of cane but because of falsified bridges it is quoted as 2000 kilogrammes. There are delays in payments, importation of illegal cane from neighbouring countries, for example, some cane is brought to Kenya from certain parts of Uganda and the cane sells at Ksh2000. So, brokers buy cane from farmers and sell to the millers at huge profits frustrating *bona fide* farmers. Of great importance is the creation of sugar catchment areas which will compel millers to invest in cane growth, research and production from the catchment area.

To enrich this Bill, I urge that recommendations of the task force of 2019 appointed by His Excellency the President be reflected in the Bill.

Lastly, county governments must be given functions in the sugar value chain.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Injendi.

Hon. Moses Injendi (Malava, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill and thank Hon. Wamunyinyi for bringing it. My constituency hosts two private companies. When the Sugar Act died in 2013, we had a lot of problems in terms of managing sugar-cane farming in Kakamega County.

I have noticed some two missing elements in this Bill. The purpose of this Bill is to reinstate the Sugar Act which was repealed in 2013 and restore the Kenya Sugar Board with its roles and functions. However, when I look at this, one of the two functions is missing from the constitution of Kenya Sugar Board. There is the issue of zoning. Currently, the farmers, for example, in Malava, are suffering because the current factories especially the West Kenya Sugar Factory is ferrying sugar-cane from far away in Kakamega County, leaving the sugar-cane for the local farmers staying longer in the farms. I would request the owner of this Bill, Wamunyinyi, to consider this because we are talking of reinstating the Sugar Act that was there before.

I recall the task force that went round under the chairmanship of Governor Oparanya. In all the hearings, farmers were talking of...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order! What is out of order, Hon. Onyango?

Hon. Onyango Oyoo (Muhoroni, ODM): Sorry, Hon. Temporary Deputy Speaker. Without the intention of interrupting my good friend, it does not augur well when he refers to the Mover of the Bill as Wamunyinyi when we know him as Hon. Wamunyinyi.

(Laughter)

The Temporary Deputy Speaker (Hon. Patrick Mariru): That is a basic request, Hon. Injendi. Please refer to him as Hon. Wamunyinyi. Remember the salutation. Hon. Injendi, are you not catching what Hon. Onyango is saying?

Proceed.

Hon. Moses Injendi (Malava, JP): Thank you, Hon. Temporary Deputy Speaker. I thank Hon. Wamunyinyi, Member for Kanduyi, for bringing this Bill.

The other thing that I am seeing missing in this Bill, and which was put forward to the task force, is the issue of farmers' outgrower companies that have died. They died when the Sugar Act was repealed. Otherwise, with this Bill and the establishment of Kenya Sugar Board, most of the problems we are facing in the sugar-cane growing areas will be solved.

For example, when the Kenya Sugar Board existed, most of our roads were being maintained by the levy that was being deducted from the factories. This is not happening currently because this is not there.

I also want to recommend this because when it comes to pricing, we are aware that, in the country, sugar prices go up quite often. This is not reflected in what farmers also earn on the ground when it comes to sugar-cane harvesting. With the re-establishment of this board, farmers will now enjoy when the prices of sugar go up because the prices of the sugar-cane in their farms will also increase.

I also see that one of the functions of the Kenya Sugar Board is to ensure that the environment is taken care of by the factories. Currently, because the board is not there, no one cares about this. You find that most of the farmers from where those factories are located are suffering because there is a lot of pollution of the environment, for instance, rivers, air, *et cetera*. So, when the board comes into place, it will take care of that.

What is also happening currently since the board does not exist is that the sugar-cane of most of the farmers is not looked after in terms of supply of fertilisers, seedlings and development. Most of those factories are moving to harvest sugar-cane from far areas where they did not put their own investment at cheaper prices. Now, where those factories are, you find that farmers are suffering because they are not getting any support towards sugar-cane farming. When the Kenya Sugar Board was there, farmers were getting some loans that could help them to develop their sugar-cane farms.

There is also another reason why I support this board to be established. We are aware that we are doing our roads using sugar-cane money and the county governments also invest in road maintenance. When the Kenya Sugar Board comes into existence, it may come up with by laws that can help to regulate maintenance of our roads.

The other thing that I have seen missing greatly which I would urge Hon. Wamunyinyi to look into is the issue of strengthening the farmers by ensuring that they have their associations strongly anchored in law so that their grievances and problems can be aired to the factories.

Otherwise, this is a good move. I support. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Before I give a chance to Hon. Simiyu, let us have the Leader of the Minority Party.

Hon. John Mbadi (Suba South, ODM): Hon. Temporary Deputy Speaker, first, allow me to say that what Hon. Wafula Wamunyinyi has done is exactly what a representative of the people should do. He deserves congratulations and accolades for bringing a Bill to address issues

that we have just been talking about. I know I was in the 10th Parliament which did away with the Kenya Sugar Board and lumped it together under one management which has failed us. So, I thank Hon. Wamunyinyi for thinking it wise to bring an amendment to the Act to reintroduce the Kenya Sugar Board which will now help address issues of sugar-cane farmers.

However, there are certain things that we need to address especially when we talk about the sugar industry. The problems bedeviling the sugar industry are too many and need a concerted effort by the Government to address them to bring back the lost glory to the sugar-cane farmers.

I have seen, in the Bill, the duties and responsibilities of the Kenya Sugar Board. The Sugar Development Levy will now get to the board together with other funding and then the board will appropriate and use that money. The following issues need to be addressed by this board: First, the levy must be spent to improve the infrastructure of the sugar-cane growing areas. Once the board is in place, it has to make sure that the money that has been collected as levy goes back to improve the road network so that sugar-cane is transported from the farms with ease.

If you go to most of those sugar-cane growing areas – and I want to specifically address the Sukari Industries Limited which is in my county and in Ndhiwa Constituency represented here by Hon. Martin Owino and he will confirm this – the roads are not being improved at all using the money that comes from the taxation that is imposed by the local government. The county government just collects money, but does not plough back that money in the development of the road network. The machines are so heavy. They even destroy roads. Hon. Martin Owino will be doing the roads through the Kenya Rural Roads Authority (KeRRA). Those roads cannot even last for a month because of the heavy machinery from the factory and yet, money is being paid and not utilised for the very purpose it is being collected.

There is something else I want the board to address. I am going back to Sukari Industries. That industry is importing sugar from outside the country, bringing it to the factory, packaging it and selling in the name of Sukari Industries and yet, sugar-cane farmers have their cane in the farms. No one attends to those things. The best they can do is to go to another county. They go to Kisumu to buy cane and yet, there are cane farmers in Ndhiwa. The farmers have their cane in the farms and cannot be harvested. When you go to the surrounding constituencies like Uriri, the story is the same. So, I think I will bring a request for statement to this House to ask the Departmental Committee on Agriculture and Livestock to investigate that factory to ensure they must first of all harvest local sugar-cane grown in Ndhiwa, Uriri and the surrounding constituencies, before they import sugar and go elsewhere to get the cane. That is why we accepted that factory to be set up there. We wanted to create job opportunities for our people. How will you create job opportunities when they are just importing sugar and re-packaging it? You do not need much manpower to do that. If they were cutting the cane from local farms, they would first be creating job opportunities for those farmers who are growing sugar-cane and also creating job opportunities for crushing the cane and many other services that go with it.

Hon. Temporary Deputy Speaker, the issue of sugar privatisation also needs to be addressed. I agree that farmers need to be represented. Maybe, farmers need to buy 51 per cent as proposed in the Bill. Again, if we had an efficient and functioning private sector that would invest without corruption, there would be no problem even if those factories were owned by private individuals. What sugar-cane farmers need is just a factory to crush their cane and give them competitive pricing. We are insisting that we need sugar-cane farmers to have a higher stake in those factories when they are sold.

I want to conclude my contribution by saying that the board has its work cut out. The moment this Bill is passed - and I hope the President will assent to it speedily - we need to implement and operationalise the law. It is because we have also created many other boards which are not doing their best. Remember, there is the Fish Marketing Board. Up to now, it is a shame. It is dead. The Government has deliberately refused to operationalise the functions of that board up to now. I hope - and it is my belief - that this time we are going to put pressure on the Government to make sure the moment this law is passed and enacted, it is operationalised immediately so that the benefits that this law would bring to our farmers are realised immediately. Our farmers need people who can intervene for them. The people who can intervene for them are their representatives.

Again, I thank Hon. Wamunyinyi. Hon. Wamunyinyi, you will go on record as having participated and helped in the revival of the sugar industry.

Thank you, Hon. Temporary Deputy Speaker. I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Eseli.

Hon. (Dr.) Eseli Simiyu (Tongaren, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill from Hon. Wafula Wamunyinyi.

First, I would like to say that Hon. Wafula Wamunyinyi has shown good leadership and that he cares for the backyard that he comes from, which relies on sugar-cane. That also explains, perhaps, why the National Executive Council of FORD-Kenya chose him as their party leader.

(Applause)

Sugar is a very interesting commodity. The history of sugar is very interesting because it...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Eseli! There is a Member, Hon. Wanyonyi, who is the MP for Kwanza, who is raising a point of order.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Deputy Speaker, with all due respect, I think we are talking about the Sugar Bill very seriously. Is the Member on the Floor in order to bring in party politics in this discussion? Much as Hon. Wamunyinyi had brought this and with all the respect I salute him, Hon. (Dr.) Eseli should not bring politics into this discussion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Member for Kwanza! I did not hear any politics. It was merely a commendation. Anyway, Hon. Eseli, please proceed.

Hon. (Dr.) Eseli Simiyu (Tongaren, FORD-K): I understand his reason for protesting. We will not bring party politics but I understand his reason for protesting. He is allowed.

I was just saying that sugar has a very interesting history throughout the world. In fact, sugar was the driver of slave trade. The reason our brothers and sisters were sold by wayward kings and our leaders into slavery... Part of what drove slavery is sugar-cane. They were taken to the Caribbean and South America mainly because of the sugar industry. They were to go and provide cheap labour. It was cotton in the USA, but in the rest of the world, it was sugar. So, sugar is a very dangerous thing. It is sweet but very dangerous. In this country now, we are facing a situation where our people are almost becoming slaves because of sugar. Being sugar-cane farmers, they have been driven into poverty. When we created Agriculture and Food Authority (AFA) in the last Parliament, it killed sugar. As it killed tea and coffee, it also killed sugar because we renamed the Sugar Board. It is good that now the Sugar Board is coming back.

We formed AFA, but with time tea has left AFA. Coffee is also in the queue of leaving AFA. So, sugar must also leave AFA so that it is run as a separate cash crop.

In western Kenya where I come from, sugar-cane is the mainstay of our economy. In fact, the collapse of the sugar industry has led to such high levels of poverty in western Kenya that some people now think they will come and distribute free money and get votes there. Some of them have been the drivers of our poverty. Some of them played a part in killing the sugar industry. Their intention is to impoverish us and then come and buy our votes cheaply. We refuse!

This Bill is going to introduce the Sugar Development Fund. The Sugar Development Fund is very critical. It kept the sugar industry afloat in difficult times. With the Sugar Development Fund, it means that factories can borrow money, repair the factories and keep them running. Factories can also borrow money and develop sugar-cane. Where I come from, there is Nzoia Sugar Company which has the largest nucleus estate. Unfortunately, the nucleus estate is virtually gone. The then Managing Director tried to plant 300 acres and wanted us to clap for him and yet, the factory has over 14,000 acres. If the Sugar Development Fund would have gotten that money, he would have developed the nucleus estate. So, this Bill is very critical to the survival of our people. I beg this Parliament to pass it. With the passage of this Bill, we will have money for sugar-cane development and research. We will develop the best varieties of sugar-cane that can survive in our places.

Again, the best thing with this Bill is that it will ensure timely harvest of farmers' cane, proper weighing of cane, including adding another parameter of determining price, including the sucrose content. This will give our farmers better returns than they have now. Also, this Bill allows the production of other by-products in making sugar such as alcohol. Even the waste that comes from cane can be used to make paper or board.

Hon. Wamunyinyi has worked on this Bill so well that it breathes so well; it gives freedom to make the sugar industry more paying than it is now.

The catch is the issue of privatisation of sugar companies. It must be approached carefully. As we said, a company like Nzoia Sugar Company has the largest nucleus consisting of 14,000 acres. If it were to be privatized, I would suggest that the 14,000 acres revert to the county government so that whoever buys the factory can lease the land from the county government. In fact, when privatizing the company, we should not go the Mumias way. The Mumias way was a big mistake and that is why the company has suffered. We need to get one strategic investor who can have slightly majority shares. The county government should not own majority shares. County governments cannot run themselves. How do you expect them to run sugar companies? I think the best thing we can do is to give the county governments a shareholding of 20 to 30 per cent and the rest to farmers. We can then get a strategic farmer to run the company. Already, we have tried leasing. Some people oppose leasing without realizing that our people are suffering and are not earning any money from the sugar companies. For how long do we keep them without any earning?

The elephant in the room is zoning. The issue has been very contentious, but the Bill has looked at how India and other countries have handled it. Instead of zoning, they go regional. We can try that and see if it will be better than zoning. If I am a sugar farmer, which I have become now - I was not one before - and I have planted my own cane, why are you restricting me from taking it to somebody? I should have the freedom to take it to whoever I want. You cannot restrict me. It is my right. So, this zoning issue is a bit contentious.

The other issue is the outgrower institutions. Previously, outgrower companies have been part of the problem. When farmers get fertiliser from outgrower companies, by the time they are paying for the fertiliser, most of the money that would have been their profit has gone to pay for the fertiliser. So, we need to rework the arrangement to see how outgrower companies can be tweaked to be more responsive to farmers' needs. But the critical thing right now is to have this Bill passed by this House so that we can get back on track to where AFA took us from, and start revamping our sugar industry. If we do not revamp our sugar industries, then I am afraid the western part of this country will need to look for another crop that will keep our people afloat. You can see all of us from the western part of Kenya are still here; we have not gone home because everyone is waiting for money. They do not have money. People's sugar-cane has not been harvested. It is still in the farms. By the time they harvest, the weight will have gone down. So they will end getting negative pay slips. They will not have anything.

(Applause)

And I do not fear to say this: Some people in this country have actually driven us in that direction to impoverish us so that they can take advantage of us politically. This must end.

Please, I beg the House to pass this Bill as quickly as tonight. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kibiwott, Member for Tinderet.

Hon. Julius Melly (Tinderet, JP): Hon. Temporary Deputy Speaker, I rise to support the Bill. I want to commend Hon. Wamunyinyi for bringing this very important Bill. I am a farmer, a representative of farmers and a member of the Sugar Caucus. This country has a huge potential to get a lot of resources from sugar-cane farming. This Bill repeals the Crops Act of 2013 which destroyed the sugar industry. The Act is responsible for making sugar-cane, a very important crop, not to be considered by AFA today.

This Bill provides, among other things, how to make the Kenyan farmer independent and to have means. When we were growing up, our parents were sugar-cane farmers and they were able to pay our school fees and hospital bills. With the advent of the Crops Act, the sugar industry was relegated to a sub-sector. We realised that the Act effectively brought the sugar industry down. It led to the decline of the management of the Sugar Board. Sugar-cane was considered non-profitable. In fact, many of the sugar barons in this country have made this country a market instead of allowing the farmers themselves to produce the crop.

This Bill covers three things. One, it establishes the Sugar Board which is going to ensure that all farmers' needs are addressed. Farmers will have a say on what they are supposed to do. Two, it will establish sugar development levy which is going to give farmers loans to procure inputs like fertiliser. Many sugar-cane farmers in my constituency produce a lot of sugar-cane, but a number of private companies, though they normally pick cane from farmers, also repackage imported sugar in their factories. Many crops in the farms now are 20 to 24 months old and yet, mature cane should be 18 months old. This Bill covers that. In fact, it disallows zoning. We are in a free market. There is no way you will force me to sell my sugar-cane to factory A or B and yet, factory C, even if it is 100 kilometres away, is able to pay. I want to laud Hon. Wamunyinyi and the Committee for disallowing zoning in this country.

The sugar development fund has been subdivided into three. One, it is going to develop infrastructure. You realise that many of the machinery in the sugar industries are very heavy

while most of the roads are worn out. About 40 per cent of the fund will be used in the development of infrastructure, 20 per cent will be ploughed back for the development of farms and 5 per cent will be used for farmers' representatives and activism. I laud this because we have a number of sugar associations such as Kenya Sugar Growers and Kenya Federation of Sugar Farmers. Those are bodies that have tried to press the Government on sugar matters. They have been the only voice of farmers and yet, nobody has ever heard about them. Through this Bill, the bodies will have means of operation. Farmers have been contributing money from their pockets to voice issues that are affecting them. With this Bill, they will have a resource to assist them.

The establishment of the Kenya Sugar Research Foundation is very important. The foundation has been in existence in this country for many years. But with the advent of the Crops Act in 2013, it became an appendage of Kenya Agricultural and Livestock Research Organisation (KALRO) and nobody funded it. If you go to Kibos Sugar Research Centre, you will find that a number of sugar-cane varieties have been developed. They mature early, have better sucrose content and they will give farmers better returns.

Earlier on, the Crops Act, 2013, did not give funds for the establishment of the Kenya Sugar Research Foundation. It is very important because it will give jobs to our youth, give good varieties of sugar and enable this country to develop the sugar industry very well. With that particular research, we will become a centre of crop development especially on sugar.

This Bill also looks into the issue of licensing of mills and puts into consideration the stoppage of mushrooming millers who do not have sugar-cane, but their duty is to build mills so that they can re-package imported or raw sugar.

Hon. Temporary Deputy Speaker, you have heard what the Leader of the Majority Party has said, that a number of uncontrolled mushrooming millers do not have nucleus or extension farms but have established factories. In those pseudo factories, they are re-packaging imported sugar. This Bill puts control on establishment of non-essential sugar mills. Those are mills which are not meant to serve farmers, but are meant to package imported sugar and re-distribute it in the country. The Bill, therefore, ensures the establishment of such kind of mills is not allowed.

This Bill also looks into the establishment of contract agreements especially in Schedule II where we are introducing contract farming. Every farmer within a particular region can enter into an agreement with a miller or an institution and is supposed to give a particular price to the farmer. Currently, our farmers are in serious problems. They have grown the crop which can be in the farms for 30 to 40 months and no one harvests it. In this particular Bill, Schedule II establishes how we can have contracts between the farmers, outgrower institutions and the millers. It will, therefore, enable the farmer's rights not to be trampled upon.

Sugar-cane pricing has been a problem. Farmers in this country have been at the mercy of the millers. Millers do not do much because theirs is to only have cane from the farms. The farmer uses his fertiliser, transports his cane from the farm and is given a price that is dictated by the miller. However, with the establishment of the pricing committee, the farmers will have their rights.

It is a very important Bill and I urge the House to pass it. If there are issues, they can be sorted out. It is the best thing that this House can give to the farmers of this country.

I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Majimbo Kalasinga, Member for Kabuchai, kindly, have the Floor.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you very much, Hon. Temporary Deputy Speaker for allowing me to contribute to this very important Bill - the Sugar Bill.

I want to thank Hon. Wafula Wamunyinyi for thinking keenly and working hard to bring this very important document to support and put our farmers back on track.

First, I like the way the board is constituted. Out of around 11 members of the board, five are from the outgrower section which is composed of farmers. We have an extra one from accounts which I suspect will come from the farmers' section. This puts the farmers in the first position to see what is best to be done.

If the board will be run properly, our millers in Kenya will have serious problems running from factory efficiency. Some factories are poorly serviced because of lack of funding. We want to believe that when the board becomes operational, it will support our millers to have enough funds to enable them to do "Out of Crop (OoC)" maintenance once every year. When you do not maintain the factory, its efficiency comes down to what is called TCTS erosion. The number of tonnes of sugar-cane you crash *vis-à-vis* the number of dry cane you get from the same tonnage. If the ratio comes down, then our factories in this country will produce the best for our people.

Something very important which I cannot forget to mention today is that our farmers suffer a lot in terms of transport. We also want to see the board addressing this issue. When cane is harvested, it is the farmer who meets the cost of the sugar-cane from his farm to the miller. When the board comes up with regulations, let the miller take up the cost of transport. If you sell an animal in your home, for example, you do not pay somebody who has bought that animal to take it to the market. Why should farmers suffer the cost of transporting sugar-cane to the miller?

Finally, when they harvest their cane, they cannot know its tonnage until they go to the factory. We want those millers to weigh sugar-cane in the farms so that farmers can know how much they have gotten when they release it from their farms. Sometimes, we have spillage on the way which is a cost to the farmer. A farmer can take care of his cane for 16 months, protecting it from predators and destroyers but when he harvests it, the trucks spill some of it on the roads. With that, the farmer loses from the spillage.

I support the Bill and thank Hon. Wamunyinyi for bringing this serious Bill that is going to support our people.

Without forgetting, even the board that we have here should have a fund established to take care and cushion the employees. We have millers who have gone for 12 months without paying their employees' salaries. One is Nzoia Sugar Company from Bungoma. Employees there have gone for over 11 months without a salary. How do you expect such people to perform? We must have a board that will set aside a fund that will cushion our mills.

Thank you, Hon. Temporary Deputy Speaker and I support this.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Shamalla Jennifer, kindly, have the Floor.

Hon. (Ms.) Shamalla Jennifer (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker.

I rise to support and congratulate Hon. Wafula Wamunyinyi for bringing this timely and urgent Bill. With humility, it is my considered opinion that there are certain issues that we must address that are fundamental as we move to the Committee of the whole House stage. We amended the law and put the industry of sugar under AFA, and we are now bringing it back to the sugar board. What happened in between the stages and what really are the issues bedevilling the sugar industry? Indeed, in 2016, we had 220,800 hectares of sugar. In 2017, it was 191,200, a

reduction of 29,000 hectares and the reasons have been expounded here. Indeed, the issue of leasing out those factories and private entities will be taken into consideration in accordance with the framework of the public private partnership legislation that we actually just passed last week.

It is important for us to recognise that we produce sugar at Kshs95,000 per tonne and yet, countries like Egypt, Malawi and Uganda produce it at Kshs35,000 per tonne. What are the reasons? These are the questions that I would appreciate that would come up when we go to the Committee stage. Of course, we cannot begin to underscore the importance of discussing the cartels behind the sugar industry. It is a national issue. It is not just an issue from Bungoma, Kakamega and Homa Bay. It touches on Kwale and so many other areas and counties of this country.

Moreover, let us not forget that in 2018, there was an inquiry into matters affecting the sugar industry and the report was thrown out. We must re-investigate, re-question and ask ourselves and really interrogate the issue of the cartels behind the sugar industry.

With those few remarks, I once again congratulate Hon. Wafula and hope that when we get to the Committee stage – and which I sincerely hope would be after closure of debate that will happen today – we can be all in agreement that it be as soon as after recess and then we can have this Bill enacted.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Akinyi, Member for Kisumu

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): Thank you Hon. Temporary Deputy Speaker for giving me this opportunity to speak about sugar. Right from the outset, I would like to say that I support this Bill and I would like to congratulate Hon. Wafula for coming up with it. As you can see me here, I am a product of sugar. My father was a sugar-cane farmer. Moreover, we are still farmers in Got-Nyithindo, Koru, and in Muhoroni Sub-county. As I stand here, I speak for sugar farmers in Chemelili, Muhoroni and Miwani. Those are farmers who have been rendered poor and unemployed because of the mismanagement of the sugar factories and the sugar industry in general. The one reason that makes me support this Bill is the introduction of the Sugar Board. I know and I am confident that with the reinstatement of the Sugar Board, all the rules of the farmers will be looked into. Just this week, there was a video that was going viral on social media. A video of a sugar-cane farmer and his wife crying after watching their cane dry in their farms and yet, nobody is collecting their cane to go to the factory. That is a family that has toiled and put all its energy in planting the sugar-cane with the hope that they will be able to reap from their efforts. However, unfortunately, like most of the farmers in that region, their effort, energy and sweat has come to a naught.

Hon. Temporary Deputy Speaker, I know that with the re-introduction of the Sugar Board, the issue of non-payment will be an issue of the past. When sugar-cane farmers work hard and get nothing in return, the Sugar Board will look into that. We know there has been poor management in our industries and most of the industries have actually collapsed.

The reinstatement of the Sugar Board will also ensure that there is proper management of those industries. We know that sugar affects the lives of thousands and millions of Kenyans and yet, the issue of sugar has been reduced to a small directorate within the Ministry of Agriculture. Sugar is life to many Kenyans and must be treated as so. I also support the fact that in this board, there will be representatives of the farmers themselves.

Hon. Temporary Deputy Speaker, who can pretend to talk about farmers when they are not given the opportunity to bring up their issues? I support this Bill as it gives the farmers an

opportunity to be represented in the Sugar Board that actually talks about things that really affect them. We have heard about the bottom-up economy approach. I dare say that the only bottom-up economy approach that will be beneficial to Kenyans is that approach that actually enhances, develops and expands economic activities of the people at the bottom. It is not about donating items to them but it is about coming up with policies that will actually enhance economic activities. Such policies are enhanced through this Bill. I would also like to support this Bill because of the introduction of the levy. We know that many a times the cost that is passed on to the farmers is the one that arises because of poor infrastructure facilities or the cost that arises out of poor machinery and eventually the profit the farmer makes from his cane is minimised and limited. This is because the farmer has to bear the cost that would have otherwise been eliminated. Through the levy, all that will be addressed. The cost to the farmer will be minimised and, therefore, the profit to the farmer will be enhanced. I would also like to say that the greatest interest of the sugar farmer is to plant sugar-cane and ensure that whatever returns they get is maximised. The farmer is not interested in zoning, privatisation, and all those things. The farmer's biggest interest is that when he plants his cane, he can get maximum returns from that cane. Therefore, whatever we do should be of benefit to that farmer.

For that reason I support this Bill.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Moi.

Hon. Kipruto Moi (Rongai, KANU): Thank you Hon. Temporary Deputy Speaker for giving me this opportunity. I will only take five minutes because I know many people want to contribute to this Motion. Sugar-cane was introduced in this country in 1902. The first factory was set up in Kisumu in 1922 and then in 1927 another one was set up in Ramisi, Kwale, in the former Coast Province. Then after Independence, seven factories were opened in Kenya because the Government intended to expand the sugar growing areas. Therefore, they opened up Chemelil, Mumias, Nzoia and South Nyanza (SONY) in 1979. The sugar industry supports close to 6 million people, which is about 16 per cent of the population of this country and contributes close to 7.5 per cent of Gross Domestic Product (GDP) in this country. Therefore, that makes sugar a very important commodity. It also affects the economies of western Kenya, Nyanza and to an extent that of the Rift Valley. The principal object of this Bill is to reinstate the Sugar Act that was nullified by the 2013 Crops Act and by enacting the Bill, the Sugar Board which had been taken over by Agriculture and Food Authority in 2013 will become operational because of this Bill. We thank Hon. Wamunyinyi for that.

Hon. Temporary Deputy Speaker, the establishment of the Sugar Board means that there are serious challenges facing farmers. They include non-payment of dues, which will be dealt with. There is the issue of introducing extension services to farmers. It will increase productivity. As we know, productivity in Kenya is extremely low, especially if you rank it with the world standards. Kenya produces close to 60 tonnes per hectare. Malawi produces close to 103 tonnes per hectare. In Zambia, it is close to 115 tonnes per hectare. So, even in comparison with other African countries, our production is still very low. It is because we do not have all the services required by farmers.

Establishing this board will introduce the Sugar Development Levy which will be used for financing research. With the re-establishment of this board, several roles also come into play where, for instance, the board becomes an enforcer. It will monitor situations to see that certain standards in the sugar sub-sector are complied with, mainly the sugar value chain. This is extremely important.

In this Bill, the Sugar Arbitration Tribunal is set up. It will regulate all stakeholders. There is a provision for actors in the sugar sub-sector to arbitrate. Also, the Government will resource that tribunal with the judicial requirements of tribunals. With the sugar levy, funding to the sugar board could come from the National Assembly, donors or county governments. Indeed, this is a function of county governments. The sugar levy is very important because it funds research and innovation, ecological adaptation and capacity building.

Finally, demand for sugar is increasing everywhere. At the same time, this sector requires a lot of reforms. We need varieties of cane, we need to increase productivity, and make time for farmers. Generally speaking, there are laws to protect the farmers and support the sugar industry as a whole.

However, because we lack integrity in this Republic, that is why we have to come to Parliament to introduce more laws. It is all due to lack of integrity and the presence of massive corruption in this country. So, this Bill has the capacity to re-engineer the sub-sector and support this country socially and economically.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Martin Owino.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. First of all, I thank Hon. Wamunyinyi and the entire Departmental Committee on Agriculture and Livestock led by Hon. Silas Tiren and the Vice-Chair Hon. Waruguru. I come from a sugar-cane growing area and we have a huge problem where children are not going to school because of lack of income. Poverty is high and education has dropped. This is because when cotton collapsed, the only cash crop that remained was sugar-cane. This Bill, the Committee has looked at it at a greater length. We will be submitting some amendments at the Committee of the whole House. It does a lot of good to the farmer. In fact, I can say with boldness that farmers are back in this format:

First, the board which is going to be created will have more farmers in it than anybody else. Five of them will be on that board. When you talk of shares and when we go private with the millers as per the Sugar Report, we will have 51 per cent of the shares owned by farmers. The millers will also have their own boards where farmers will be represented, and we are suggesting 51 per cent. So, we have given farmers back a say in this industry. A contract has been placed here. It is very important in the sense that all the relationships which were not well cemented are now going to be cemented in contracts. So, farmers are not going to be cheated.

The issue of inputs takes a lot of money, and there is no structure that controls their prices. That has also been considered in this Bill. Pricing has been addressed here. In this Bill, farmers are also given power in sub-committees that consider pricing. One of the Members here, Hon. (Dr.) Eseli, suggested that sucrose content will also be considered as part of pricing so that farmers do not lose out because of the volume. The sucrose content will play a great role.

The most important thing that has not been addressed here is licensing and registration of millers and the jaggery. Presently, jaggery is not licensed and registered. Traders, especially women, are chased here and there by the police as if they are selling illegal products. So, after registration and licensing, the jaggeries and molasses plants will be legal and nobody will be harassed.

Cane maturity is an issue because cane can go for more than 30 months before harvesting and so it loses weight. It means farmers lose on prices as well. This Bill sets some caps that the first cutting should go up to 16 to 20 months and the ratoons will go further from 16

to 22. If this Bill is enacted, no miller will delay to pick the cane until it flowers in the farms and that is where we have been losing it. Actually, when cane flowers, it attracts fires. Many farmers have lost cane in fires. However, we are also addressing how the cane that has burned can also be priced here.

I cannot say much more on sugar-cane research. We lost a very good institution. It will be back. It will help in cane development and also modern technology so that we can move the cane industry ahead. On the sugar development fund, the Leader of the Minority Party said it all. It is true I have a private miller in my constituency but, when farmers bring their cane, they are charged 1 per cent for infrastructure and other development. However, the 1 per cent which we call cess is not retained in the industry. It is given to the county government which does not plough back to improve the roads.

So, in this arrangement, the board will take charge of infrastructure. That way, farmers can have their cane picked from the farms on time. Right now, a lot of sugar-cane is flowering because it is raining, but it cannot make it to the factory on those bad roads. That is a big headache. Because of this Bill, we will have a more improved system in terms of infrastructure development.

On the issue of mobile weighing machines, we have suggested an amendment that will ensure farmers do not lose cane during transportation. We know they lose quite a lot. We want those weighing machines to be closer to farmers. That way, they will not lose on that front as well.

Lastly, there is a lot of say that has gone in here on the Crop Act which lumped together all those crops. In fact, as a National Assembly, we should look into this amalgamation of Acts. Right now, we have saved the tea industry. We are saving the sugar industry and the next one will be to bring the Coffee Board. Those were there before and erroneously lumped together to create another Act that has really brought issues to us. So, I urge Members that we need to do this like yesterday. Please let us support this Bill so that farmers can also have their smiles again.

I thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, I can tell there is quite a bit of interest on this Bill, particularly from those who come from the sugar growing areas. Even Hon. Ayub Angatia requested that Members can speak in one minute or two so that other Members can have an opportunity to speak. I cannot force you. You have your 10 minutes but if you are considerate enough to a fellow Member, you could speak in a few minutes and then we can have a few others. Let us start with Hon. Ayub Angatia and see whether he sticks to his request.

Hon. Ayub Angatia (Lugari, ANC): Thank you, Hon. Temporary Deputy Speaker. I will actually deliver my support remarks on this Bill in two minutes. I was part of the team that brought the Agriculture and Food Authority Act. I was the Chairman of the Departmental Committee on Agriculture, Livestock and Fisheries that time but we made a big mess. We thought we were going to amalgamate all agricultural institutions into one institution but it has failed. This Act brings the solution to the sugar industry in Kenya. Kenyan sugar demand is 800,000 metric tonnes per year. The production has dropped from 5,000 metric tonnes to 4,000 metric tonnes. This avenue brings in an issue where cartels manipulate the deficit to bring in sugar from outside the COMESA member countries.

Hon. Temporary Deputy Speaker, the production of sugar in Brazil is US\$700 per tonne while in Kenya we produce the same commodity at a cost of US\$7,000 per tonne. This brings in

the problem of sugar import and cartels bring sugar from non-COMESA countries like Brazil, and they transport it to Uganda using the East African Common Market tariff and then the sugar lands back in Kenya. So, the Kenyan produced sugar cannot effectively compete with the sugar that has landed from Brazil, taken to Uganda, and then comes back under the East African Common Market Treaty.

This Bill creates the original fund, which is the Sugar Development Fund and the Sugar Development Levy. The Sugar Development Levy will assist the factories while the Sugar Development Fund will support sugar-cane farmers.

The issue of privatisation also comes into play. The COMESA regulations are that all sugar factories should not be owned by Government. All sugar factories should be privatised to allow private capital to be injected in, to modernise the machines, to create efficiency and have a lean and competent staff to ensure that they improve on production. This Bill is the original Sugar Act and we need to support it to revamp the sugar industry. This Bill will also give a solution to the problem we have been facing in Mumias Sugar Company. It will allow the Sugar Development Fund to be utilised to allow sugar-cane farmers in Mumias sugar belt to plant the cash crop. It will allow the Sugar Development Levy to be channelled to Mumias Sugar Company to do service and maintenance so that farmers can deliver their crop to the sugar factory.

With those few remarks, the solution of Mumias Sugar Company lies in this Bill.

I thank you. I have taken exactly two minutes. My colleague will take one minute.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Okay. You did very well actually. Hon. Beatrice Adagala, Member for Vihiga.

Hon. (Ms.) Beatrice Adagala (Vihiga CWR, ANC): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to also add my voice on this Bill. I congratulate Hon. Wafula Wamunyinyi for bringing this Bill - The Sugar Bill (National Assembly Bill No. 68 of 2019).

The re-introduction of this Sugar Bill is of great importance to the sugar industry, and especially the sugar growing zones of Western, Nyanza and Coast regions. The sugar industry has really gone down due to cartels that have come up with importing sugar and killing the growing of sugar and factories in those counties. I feel that this Bill has come at the right time when we need to revive our economy. We need to see that the economy of this country grows.

Once Mumias, Chemelil, Kibos and Nzoia sugar factories are revived, it will be an opportunity for our children to be employed. Farmers will live a dignified life. Farmers will have to be paid in good time. They will be able to pay school fees for their children. They will be able to cater for their medical bills that are so high at this time of the pandemic, and be able to do most of the things that they are supposed to do. For example, men are supposed to be husbands and fathers in the homes.

Hon. Temporary Deputy Speaker, with the introduction of the Sugar Development Fund and the Sugar Development Levy, the levies should be used to maintain roads in the sugar growing areas. Like in Mumias, when we were there during one of the Member's time, we were moving in a lot of dust until something was crafted. The levies can be there to ensure that roads are well maintained so that cane can be delivered to the factories early enough.

I would wish to state that, as the sugar companies are being privatised, the land must also be taken care of, like the Nucleus Farm in Mumias. It must be protected at whatever cost. Let us not just rush in privatizing the factories at the expense of the land. The land must be protected like yesterday. Hon. Wamunyinyi, you have done a noble job of coming up with this Bill. Again,

right now, you find that most of the farmers' cane has dried in the farms since it took too long to be harvested. The Kibos Research Station should come up with a type of seed that can take a very short time and has high sucrose level so that farmers can plant sugar-cane that will be harvested early enough so that they are paid back and they do their own things as it is required.

I thank you. At this moment, I support the Bill as it is.

The Temporary Deputy Speaker (Hon. Patrick Mariru): You did well. You took four minutes. Member for Kericho.

Hon. (Ms.) Florence C.K. Bore (Kericho CWR, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Bill. I stand with my colleagues from the sugar region because I also come from a county that grows sugar-cane. In some parts of Kericho like in Sigowet/Soin Constituency, parts of Ainamoi and parts of Kipkelion West we grow sugar-cane. I support this Bill. It is timely. We should have passed it like yesterday.

I thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. (Ms.) Eve Obara.

Hon. (Ms.) Eve Obara (Kabondo Kasipul, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to the Bill. At the outset, let me appreciate Hon. Wafula Wamunyinyi for coming up with the Bill. In summary, it is a lifeline to the industry. For those of us who have grown up in the sugar belt, we went to school from the proceeds of sugar-cane. We remember with nostalgia what those in industries used to look like. If you remember, there was Mumias, Muhoroni, Chemelil, Kibos and SONY sugar companies. It was the envy of all of us as we grew up because the sugar factories offered employment opportunities to the locals. Today, those are ghost towns. Thank you, very much, Hon. Wamunyinyi.

Let me just raise two issues. First and foremost, is on the composition of the board, which gives five representatives to the growers and this will give the farmers a voice to be heard in the board. Two, on Clause 5(1)(g), maybe later, you may need to consider that we need to separate the office of the CEO and that of the corporation secretary in line with best practice in corporate governance.

Three, there is the issue that this Bill gives the farmers an opportunity to own the sugar-cane industry by providing a 51 per cent of shares in case of privatisation of the sugar companies. This is one of the best things that have happened. In terms of the recruitment of the members of the Sugar Arbitration Tribunal, Hon. Wamunyinyi, I hope you are aware that tribunals fall under the Judiciary and, therefore, I propose that we amend this to allow the JSC to recruit all the members because of that requirement. Let me also give a chance to my colleagues.

Once again I support. Thank you very much.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Mabonga.

Hon. Mwambu Mabonga (Bumula, Independent): Thank you, Hon. Temporary Deputy Speaker. In the interest of time, I will be very brief. At the outset, I want to appreciate my senior Hon. Wafula Wamunyinyi for this nice Bill. This Bill is very timely. With this Bill, we are providing a solution to majority of Kenyans who are crying and are in problems. We are investing time and money without the returns that they are entitled to. With the introduction of sugar board, you will rest assured that there will be overall supervision of proper policies and plans on the programmes of the factory so that levies and the money that will be collected will definitely go back to the farmers. With the input of the farmers, we are going to have a proper production that farmers need.

Secondly, you realise that farmers have been under the mercy of those factories in terms

of the pricing of sugar-cane. At times, when there is an outcry, farmers have nowhere to go. So, with the establishment of this board, if it is well established according to this Bill, we are likely to have a body that will be able to speak on behalf of the farmers. This is something very important because the rights of the farmers have been violated for quite some time. So, we are just going back to the original Act that we had before that will salvage the cry of our farmers. Most of the farmers today have sugar-cane in the farms that will last several years in the farm. Once they are harvested, they will last for several years without payment. I have farmers whose children are still at home and they have nowhere to go or take their problems. With the establishment of this kind of body which is responsible to the farmers, we are going to have solutions to problems that our farmers have been experiencing for quite some time. I wish I had more time to contribute to this Bill but, in the interest of time and because many Members wish to say something on this Bill, I want to support it the way it is.

Thank you, Hon. Temporary Deputy Speaker, and thank you Hon. Wamunyinyi for the good work that you have done.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Nyikal, Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity. First of all, I must applaud Hon. Wamunyinyi. I rise to support this Bill. One, this Bill demonstrates the folly of trying to put many industries together like we tried with the other Act. We have to go back. This Bill recognises the appalling state of the sugar industries. The farmers are poor. The sugar-cane in some places is rotting in the field. Some is being burnt so that it can be cut. The millers that we know are all dead and, if they are working, they are doing so below capacity. The cost of production of cane is high because of cartels. Sugar is being imported through institutions that are supposed to protect it. This Bill looks at all that. It creates the infrastructure that you need. It creates the sugar board which actually will look at the licensing, registration and control of importation of sugar. It then sets the sugar levy and so, we get money from those who import sugar and with that, we put it in the Sugar Development Fund which is going to support the millers and their ideas. Then it brings an arbitration process that actually brings in the Judiciary. There is a bit of independence in that law. It looks at the agreements through the miller, outgrowers and farmers. All that is taken care of. It even puts in a sugar pricing committee of the Sugar Board comprising of Sugar Board and Kenya sugar manufacturers. So, nobody is left out. No aspect that we need to look into has been left out. I support this Bill.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Member for Likoni, Hon. Mboko.

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Nilikasirika Naibu Spika wa Muda kwa sababu niliweka kadi yangu mbele ya watu wengi zaidi hapa, lakini sikupata nafasi.

Nashukuru pia nimepata nafasi hii kidogo nami niunge mkono Mswada huu kwa sababu hata Pwani kuna sukari. Tulikuwa na kiwanda cha Ramisi ambacho kilikuwa kiwanda cha umma na kikafa hadi sasa. Ningependa kusema ya kwamba, bodi hii ambayo itatengenezwa itaweza kusaidi kuleta soko la sukari yetu hapa Kenya. Hivyo basi, kuboresha uchumi wetu wa kitaifa na uchumi wa wakulima wetu wa sukari.

Vile vile, wale wenye *cartels* wanaoleta sukari haramu, sukari ambayo itakuwa na madhara ya kiafya katika taifa letu la Kenya, wanaweza kudhibitiwa kupitia bodi hii ambayo itakuwa imetengenezwa kuangalia majukumu kama hayo. Vile vile, katika mambo ya utafiti, ni vizuri kwamba tukifanya utafiti ili kuweza kuboresha mazao tuweze kupata mazao zaidi na

tupate tofauti nyingi katika huu mmea wa sukari ama wa miwa, ili tuweze kupata sukari kwa kiwango cha hali ya juu sana.

Vile vile, wakulima wetu kupata hisa hamsini na moja katika kampuni ambazo ni za watu binafsi na pia katika zile kampuni za kusaga, itawapatia nguvu sana wakulima wetu wa miwa. Hilo litakuwa ni jambo la kupunguza wale watu ambao wana ubinafsi katika mambo ya uchumi wa sukari. Vile vile, wakulima wengi hawajalipwa malipo ya fedha zao katika kilimo hiki. Hivi sasa, kupitia bodi hii ambayo itakuwa imetengezwa na sheria hii ya sukari ambayo inaitwa Sugar Act, hayo mambo yote hayatakuwa changamoto, bali litakuwa ni jambo la kuboresha mambo hayo.

Hazina ambayo itakuwa imetengezwa kupitia ule ushuru ambao tunauita *levy*, itaweza kusaidia sana watu kuweza kuchukua mikopo na kufufua vile viwanda ambavyo vimekufa, ama vile ambavyo vimedorora katika wakati huu. Nataka niseme ya kwamba, sukari ni kilimo cha kuweza kuleta uchumi wa kenya kama kilimo cha kahawa na majani chai. Kwa hivyo, ni kilimo ambacho sisi kama taifa lazima tukichukulie kwa njia ya hali ya juu, ili tuweze kujenga ajira pia kwa vijana wetu na kuweza kuboresha uchumi katika *county* zetu haswa zile ambazo zina kilimo cha sukari ndiyo tuweze kuendeleza nchi yetu kwa pamoja.

Vile vile, ningependa kusema ya kwamba, jambo hili limetuwezesha kuzungumzia uchumi wa sukari ambao utaweza kuondoa zile changamoto zote ambazo zilikuwa za mambo ya sera. Tutaweza kujua sera mwafaka ambazo zitatwezesha kuboresha kilimo cha sukari.

Mhe. Naibu Spika wa Muda, najua watu ni wengi. Namuunga mkono na kumpea kongole Mhe. Wamunyinyi. Kupitia jambo hili leo, tutajivunia kufufua viwanda vyetu vyote ambavyo vilidorora ama vilikuwa vimekufa kwa sababu za kimsingi ama sababu ambazo hatuwezi kuzitungumzia kwa hivi sasa.

Naunga mkono Mswada huu. Ahsante sana, Mhe. Naibu Spika wa Muda.

Hon. Bernard Shinali (Ikolomani, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is out of order, Hon. Masaka, Member for Ikolomani?

Hon. Bernard Shinali (Ikolomani, JP): Thank you, Hon. Temporary Deputy Speaker. I rise under Standing Order No.95. Going by the mood of the House, I request that the Mover be called upon to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): You are not in order until I establish whether you have studied and established the mood of the House correctly.

(Question, that the Mover be now called upon to reply, put and agreed to)

Mover, Hon. Wamunyinyi.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you, Hon. Temporary Deputy Speaker.

First of all, I appreciate Members who have contributed to this Bill. We see the interest it has generated. A record number of 25 Members have spoken on this Bill. Most of the Members appreciate and support the enactment of this law. This piece of legislation has been supported by all Members. During debate, some Members raised concerns on some clauses and we will look at them and propose some amendments so that we can be together.

The other thing which was raised is the contracts between millers and farmers. Sugar importation must be controlled and should only happen when there is a deficit in the country. Members have spoken of the need to implement this Bill within the shortest time without delay as soon as it is passed. Some Members recommended we should put timelines.

On privatisation, it is necessary according to Members for capital injection. On liberalisation, Members feel that where there is a free market economy, restricted zoning is not necessary. We will, therefore, consider regional blocs which will serve farmers.

The use of cess by counties and improved sugar varieties through research by establishing a research institute has been emphasised by Members. The sugar-cane pricing is also a matter that Members expressed themselves on very strongly. They supported the establishment of a pricing committee that must give more benefits to the farmers of the country. The Committee should ensure that farmers benefit from the cane they have delivered.

The issue of licensing of millers and jaggeries in the industry also came up strongly. We heard some clarification is needed on arbitration. This was raised by Members. Finally, payment of farmers' dues should never be delayed.

With those few remarks, I once again thank the Members. They have even stayed in the House to take a vote as late as now.

I beg to reply, Hon. Temporary Deputy Speaker.

(Applause)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Even before I put the Question, I confirm this is very encouraging for Members to be in the House because of this particular business, particularly from the sugar growing areas and even those from other areas. I can tell especially those who are not from sugar growing areas have also been here. Those from Western, Coast, Rift Valley and North Eastern are here. It is very encouraging to have the high number of Members who are here because of this particular business.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Hon. Members, we have four minutes to the time the House must rise. We may not proceed to the next Order having only four minutes to 7.00 p.m.

Hon. Members, it is important to take note of the notification of recess in the Order Paper from 9th July 2021 to 2nd August 2021.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, the time being 6.56 p.m. this House stands adjourned until Tuesday, 3rd August 2021 at 2.30 p.m.

The House rose at 6.56 p.m.